

THE FASHIONING OF LEVIATHAN

THE BEGINNINGS OF BRITISH RULE IN BURMA

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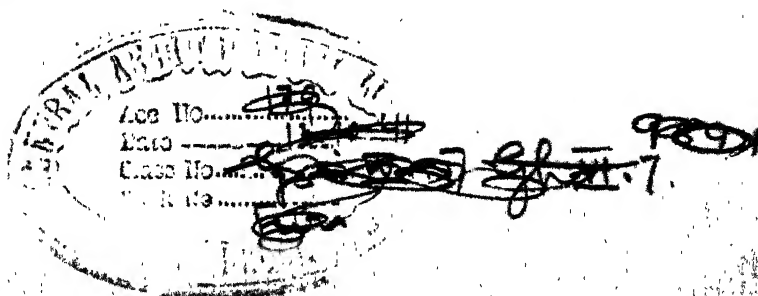


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THE FASHIONING OF LEVIATHAN

THE BEGINNINGS OF BRITISH RULE IN BURMA.

INTRODUCING LEVIATHAN.

Chapter 1. Few attempts have been made to trace the growth of empire. This may lend some general interest to an attempt to trace the development of British rule in Burma. The position of Tenasserim and its occupation by the British. Appointment of Mr. Maingy as Commissioner. His Proclamation to the Inhabitants. Appointment of Mr. Blundell to succeed Mr. Maingy and delegation of control to Government of Bengal. Appointment of Major Broadfoot and assimilation of Tenasserim to India.

AN ARCHITECT OF EMPIRE.

Chapter 2. Mr. Maingy, Commissioner of Tenasserim. He needs an elephant to carry him. Lives on buffalo beef and rum. His relations with subordinates. With the Navy. With the Military. With the Accounts Department. His optimism. And disillusionment. His Administration. And Retirement.

LAW AND JUSTICE.

Chapter 3. Mr. Maingy wants to hang someone. The punishment for rape. Burmese Law Courts. Mr. Maingy's New Model. Moulmein Juries and Calcutta Judges. Degraded Females. Burmese slavery. Absence of Crime. Multiplication of Oaths. Law without Lawyers. The Law's Delays. Supersession of Mr. Blundell.

JAILS AND CONVICTS.

Chapter 4. The Burmese Penal System. Importation of Convicts. Thugs as Road Makers. The Convict's Life. Mr. Blundell on Jail Reform. Escapes from Jail. Convict Servants. Effect of Convict Labour.

POLICE AND CRIME.

Chapter 5. The Burmese Police. Gradationary Control. A Policeman's Perquisite. The earliest Burman Magistrates. Increase of Crime.

ROADS AND BUILDINGS.

Chapter 6. The importance of communications. Houses without bricks. Roads without labour. Compulsive labour. Convict labour. Imported labour. Immigration from China, India, Malaya. The foundation of Public Works Department. The first Post Office.

MATERIAL PROGRESS.

Chapter 7. A Commercial Emporium. Political Maxims. Export of rice. The tin mines. Forest Produce. Island Produce. Coal. Timber traders. The foundation of the Forest Department. Imports. Trade with China and Siam. The Commissioner and the Merchants.

MORAL PROGRESS.

Chapter 8. Temples as Store rooms. A Holy Innocent. Beginning of the Ecclesiastical Department. Public Instruction. The first newspaper. The Medical Department. Local Government. The fire engine. Defence and opulence.

GAMBLING, OPIUM AND DRINK.

Chapter 9. Gambling. Opium. Drink and the Soldiers. Drink and the Civilians.

LAND REVENUE.

Chapter 10. Problems of Land Revenue. Burman land tenures. Methods of cultivation. Beginnings of Land Revenue administration. Early settlements. The first land revenue rules.

MISCELLANEOUS REVENUE.

Chapter 11. Burman Revenue system. Assessment of gardens. Fisheries. Forest Produce. Salt. The Karens. Origin of the Poll tax. The Salons. Island Produce.

FOREIGN POLICY.

Chapter 12. Relations with Siam. Siamese prisoners. Missions to the Hill Tribes. Relations with Ava. Excursions and alarms.

MR. BLUNDELL, PROPHET AND MARTYR.

Chapter 13. The failure of Mr. Blundell. His supersession by Major Broadfoot.

THE FASHIONING OF LEVIATHAN

CHAPTER I.

INTRODUCING LEVIATHAN.

"By Art," says Hobbes, "is created that great *Leviathan* called a *Commonwealth* or *State* (in latine *Civitas*) which is but an Artificial Man." Yet, when discussing the generation of *Leviathan*, he terms him, more reverently, a Mortall God, and invents for him a mythical origin. Hobbes was driven to myth, because *Leviathan* has this at least in common with the immortal gods that we know little or nothing of his childhood. That is not strange; for no god is quite immune to ridicule, and children cannot help being ridiculous at times: if Aphrodite had caught cold, when rising from the foam on her first birthday, she was already big enough to use her pocket-handkerchief without being told to do so by her nurse. A god must feel secure in his divinity to let himself be laughed at, and *Leviathan* is not sufficiently at home in heaven to allow it.

That may be one reason why studies in the physiology of Empire rarely enquire into the circumstances of its birth, but deal rather with its decline and fall. Not until *Leviathan* is dead is he so far levelled with the common run of mortals that you can say what you like about him; while he still lives, you must say what *he* likes, on pain of incurring his resentment, and perhaps a prosecution for lese-majesty. If his derivation from some god or hero, or from heaven itself, has never been questioned, it needs no further proof; and, if there be sceptics, and especially if *Leviathan* himself be uneasy about his birth certificate or the social status of his parents, the searching light of truth may be embarrassing. Moreover, it is easier to say why a man died than how he managed to get born; to account for his dissolution than to explain the fashioning of his members day by day when as yet their substance was imperfect. That is true likewise of empires and thus, although historians delight to paint in glowing colours the battles which have blazed the path of empire, and political philosophers expatiate learnedly on the principles of empire, yet we know very little about the manner in which empires are born and grow. For example, no one seems to have examined in detail the internal development of the British Empire in India, the fashioning of *Leviathan Indicus*. There may then be some general interest in this attempt at tracing step by step the incorporation in the Indian Empire of newly conquered territory; the building up of a local administrative organization; the gradual adjustment and adaptation of this local organization to the mechanism of

the central government; and finally, the assimilation of the new province within the general imperial system so that it could no longer be distinguished from the rest of India except by such accidents of geography as its peoples and products.

In the government offices at Moulmein there may be found the earliest records of the occupation and administration of Tenasserim, for many years the furthest eastern limit of the Indian Empire. As one studies the records, the men who founded this corner of the empire, and who wrote these letters, notes and memoranda, gradually come to life; and more than that, the thing itself, their handiwork, takes form and substance: one sees the fashioning of Leviathan. That is the process on which these gleanings from the dusty shelves of an old Record Room may serve to throw some light. Readers, if any, who wish for further information, may turn to the summary of the records given in a volume *Correspondence for the Years 1825-26 to 1842-43 in the Office of the Commissioner, Tenasserim Division*, published by the Government of Burma in 1915, and to the selection of original documents published in the following year as *Selected Correspondence of Letters issued from and received in the Office of the Commissioner, Tenasserim Division*.

First, however, we must look at the position of Tenasserim, and at the general course of events that we shall follow. Some preliminary spade-work cannot be avoided, but as the laying of foundations is dull work, we will endeavour to dispose of it as briefly as we can. Tenasserim, then, is an old town of which the possession has always been debated between the Burmese and Siamese. It has given its name to a strip of territory that, at the beginning of the first Anglo-Burmese war of 1824, was a corner of the Burman Empire, running down between the sea-coast and Siam to the Malay Peninsula. The main operations of the war centred round Rangoon, but a detachment was sent to occupy Tavoy and Mergui, towns on the sea coast of Tenasserim which were then, as now, inaccessible from Rangoon except by sea. After a few months it was decided to introduce civil rule within the occupied area, comprising the Provinces of Mergui and Tavoy, and a northern province, Ye, and an officer Mr. A. D. Maingy, was sent to administer this territory as Commissioner for the Province of Tavoy and Mergui under the supervision of the Governor of Prince of Wales Island, who resided at Penang, now one of the Straits Settlements, but then a Presidency of India. At this stage the record opens—inauspiciously: for Mr. Maingy was shipwrecked on his first attempt to reach Mergui. Here is the letter which describes the accident.¹

1. *Selected Letters*, p. 1.

THE FASHIONING OF LEVIATHAN

To The Honourable R Fullerton, Esquire, Governor;

etc., etc., etc.,

Honourable Sir,

I regret to have to report for your information the return of the Hired Brig *Minerva* to Penang. She unfortunately carried away her foremast and main top gallantmast when about five leagues to the north-west of Pulo Perah and was thus rendered unable to proceed on her voyage, until a new mast is (*sic*) procured and the damage otherwise sustained repaired, which could not be effected at sea. I have called upon the owners to repair the accident with all possible expedition, and I expect the brig will be again fit for sea in the course of a very few days.

I have, etc.

Hired Brig, *Minerva*

(Signed) A.D. Maingy,

South Channel,

Commissioner for the Provinces

The 27th. August, 1825.

of Mergui and Tavoy.

Undeterred by this misadventure, he again set sail and, on 29 September 1825, he wrote from Mergui Roads,² formally announcing his arrival to the officer commanding at Mergui, a Captain Burman, whose strangely appropriate name suggests that he was pre-destined to achieve fame in Burma. On the following day Mr. Maingy issued the following proclamation to his new subjects

PROCLAMATION—INHABITANTS OF MERGUI.³

The King of Ava by his unprovoked aggressions and extravagant pretensions having forced the British Government to invade his Dominions, one of its first acts was to take possession of these Provinces. But it is against the King and his arrogant Ministers and not against the people of Ava that the English Nation is at war, and in proof of this fact, the Right Honourable the Governor-General of British India has resolved upon affording to you the inhabitants of these Provinces, the benefits of a Civil Government under the Superintendence and direction of the Hon'ble the Governor of Prince of Wales Island.

I hasten then to acquaint you that I am deputed from Prince of Wales Island to assume charge of these Provinces and to provide them with a Civil and Political Administration on the most liberal and equitable principles.

2. Summary, Letters Issued, 1825-26, No. 3.

3. Selected Letters, p. 15.

INHABITANTS OF MERGUI

Rest assured that your wives and children shall be defended against all foreign and domestic enemies. That life and property shall enjoy every liberty and protection, and that your religion shall be respected and your Priests and religious edifices secured from every insult and injury. Proper measures shall be immediately adopted for administering justice to you according to your own established laws, so far as they do not militate against the principles of humanity and natural equity. In respect to revenue and all other subjects your own customs and local usages shall be taken into consideration; but the most free and unrestricted internal and external commerce will be established and promoted.

All that is required of you is to aid me towards giving you peace, order and happiness by each inhabitant returning to his usual occupation, by your respecting and cheerfully obeying all such as may be placed in authority over you, and by your discountenancing and pointing out where necessary the seditious and evil disposed and the enemies of the British Government.

Lastly, I wish it to be clearly understood that access at all hours and places will be afforded by me to any, even the poorest Inhabitants, who may desire to see me upon business.

Mr. Maingy forthwith set about providing the people of Mergui with an administration "on the most liberal and equitable principles" and accomplished this task with so much expedition and success that within a fortnight he could report on "the sentiments of respect and confidence they already entertain towards our Government"⁴ and could pass on to confer the same blessings on the people of Tavoy.

The war was not yet over, and the region from Tavoy northwards to Martaban, the chief port in the south-east of Burma, although occupied by the British troops, was still under military control. When hostilities were terminated by the Treaty of Yandabo on 24 February, 1826, the whole country south of Martaban was ceded to the British and constituted the Province of Tenasserim; the subordinate units, hitherto called provinces, were henceforward as a rule termed districts. At first there were four of these districts; Mergui, Tavoy, Ye and Amherst, the last name, in compliment to the then Governor General, being given to the northern extension most recently absorbed. Before long two of these districts, Ye and Tavoy, were amalgamated, leaving only three districts, Amherst, Tavoy and Mergui, corresponding closely with the present districts except that Ye was subsequently transferred to Amherst.⁵ For the capital of Amherst District a site, also named Amherst, was selected a few miles down the coast. But, after the erection of a few

⁴ Selected Letters, p. 14.

⁵ Summary Letters Issued, 1835-37, No. 95.

buildings at Amherst, it was decided that Moulmein, a village facing the Burmese port of Martaban, had greater commercial and military advantages. Moulmein was therefore chosen for the head quarters of Amherst District and of the whole Province of Tenasserim.⁶

At the end of war the officer commanding the forces was Sir Archibald Campbell, and in the September following the Treaty he and Mr. Maingy were placed in joint charge of the Ceded Districts, the former being designated the Senior, or Political, Commissioner, and the latter the Civil Commissioner; at the same time the Governor of Prince of Wales Island ceased to exercise control over the newly acquired territory, which was placed directly under the Government of India.⁷ Apparently this arrangement lasted until the end of 1828, when Mr. Maingy succeeded to the sole charge of the Province.⁸ Then, in 1834, the first stage in assimilating the administrative system of Tenasserim to that of India was accomplished by the delegation of control over revenue and judicial work to the Board of Revenue and Courts of Justice in Calcutta.⁹

Just before this change took place Mr. Maingy retired and was succeeded by Mr. Blundell, who had followed Mr. Maingy from Penang at no long interval and had spent practically the whole of his official life in Tenasserim. Like his predecessor, he envisaged administrative problems solely from a local standpoint. But this attitude towards affairs was out of date. The Honourable Judges and the Members of the Board of Revenue could supervise administrative detail more closely than the Governor-General-in-Council, and they seem to have had a narrower outlook and to have been less tolerant of local divergencies from routine than the supreme government, with a primary interest in political affairs, and accustomed to dealing with problems from all parts of India. Thus, during Mr. Blundell's tenure of office the degree of control exercised from India gradually increased. Regulations were multiplied, administration became more complicated, and the new officers brought over from India to deal with the increasing volume of administrative detail came to Tenasserim imbued with Indian traditions. It is not surprising then to notice a gradually increasing strain on the relations between Mr. Blundell and his superior officers in India.¹⁰ He was the man on the spot, accustomed to having his own

6. Selected Letters, p.99, Summary, Letters Issued 1826-27, No. 48

7. Selected Letters, pp. 46, 49.

8. Summary, Letters Issued, 1827-31, Nos. 99, 107.

9. Selected Letters, p.245.

10. Summary, Letters Issued, 1839-41, No. 30, 150, 152, 160, 285; 1841-43, No. 27, 63 *seq.* Letters Received, 1839-40, No. 242; 955; 1841, No. 1722, 1764; 1842, No. 178.

way, and they insisted on his adopting their way. There was friction; Leviathan had a twinge of gout. But he exorcised it by promoting Mr. Blundell to be Governor of Prince of Wales Island, a less responsible and, apparently, less lucrative appointment. After he had helped to build up the new province from the time when it was still Burmese territory, this transfer to Penang must have seemed like exile; but Major Broadfoot, new from India, took his place, and all ran smoothly in Tenasserim. Almost up to the date of Major Broadfoot's arrival the retrocession of Tenasserim to Burma had remained an open question; it was a proposal that, for adequate consideration, the Government of India were still prepared to entertain. Indeed, this solution of the Burmese problem was advocated by John Bright in Parliament so late as the second Burmese war in 1854. But the logic of events had rendered such a course impracticable. With the arrival of Major Broadfoot we may look on the assimilation of Tenasserim as completed; from that time onwards it has been merely one province of the Indian Empire.

CHAPTER II.

AN EMPIRE BUILDER

It is just over a hundred years now since Mr. A. D. Maingy sailed from Penang, in the *Hired Brig Minerva* to take over the Civil and Political administration of the Provinces of Mergui and Tavoy. Before long, on the conclusion of peace with Ava, his charge was extended to cover the whole of Tenasserim, then newly added to the Indian Empire, and, until the other day, its furthest eastern limit. He was clearly a person of some importance,—of chief importance in his own corner of the Empire; but he has long been forgotten. Yet his name, misspelt as *Maingay*, still services on the Admiralty charts as the designation of an island in the Mergui Archipelago, and as a road-name in Moulmein, the town where he lived and worked for close upon ten years. Even the man himself survives, the dimmest of dim shades, outlined in very yellow faded ink in the records of his office. In these old papers we can study the daily routine of empire-building and can still make out faintly what manner of man he was who laid the foundations of British rule in Burma.

There is no portrait of him in Burma, if anywhere, but, if the style depicts the man, he was dignified and portly. He was unquestionably hurt, although he tried to hide it, when the military authorities stopped the salute of guns which had published to the general ear the arrivals and departures of his predecessor, Sir Archibald Campbell. No one, we wrote, could be more indifferent than himself, so far as personal

THE FASHIONING OF LEVIATHAN

considerations were concerned, to receiving or otherwise, public salutes and other such distinctions; but the discontinuance of these forms of public respect tended to lower him in the estimation of the natives, and he felt bound to represent the matter to the Government of India.¹ It may also have been "to raise him in the estimation of the natives" that he required an elephant. In his earlier days the Honourable East India Company had provided its servants not only with houses and furniture, table-stores and wine, but with elephants or camels and horses and vehicles. In 1833, shortly before Mr. Maingy left the country, the allowances in kind were replaced by a consolidated personal allowance, but when instructions to this effect reached Mr. Maingy, he asked permission to retain his elephant.² Perhaps he required it to support his dignity; perhaps for more substantial reasons.

It appears, however, that he took a money grant in lieu of wines and stores, and if, as it would seem, he grew fat on the kind of food they ate in those days, he must have had the digestion of a pioneer. One of the earliest records is an invoice of articles "put on board a Prow for the use of the Europeans at Mergui." There were six cakes of salt provision, fifteen bags of biscuit, and a puncheon of rum.³ For several years the European troops there had to live on buffalo beef or salt meat without any allowance of bread,—rice and biscuits being substituted.⁴ After some time it became possible for epicures to buy bread at the rate of four loaves for a rupee. The buffalo beef was "much disrelished" and, to make it at all palatable, condiments were in great demand. Condiments, however, were expensive; onions and flour were about eight annas a pound, and sugar cost twice as much. Fish was by no means plentiful, and vegetables—chiefly pumpkins, brinjals and cucumbers—were scarce. In the early days there was even some difficulty in procuring buffalo beef, and Mr. Maingy was compelled to ask that convalescent soldiers might be transferred from Mergui to Rangoon, as it was impossible to get meat for them. The Indian troops were still worse off than the Europeans. They were provided with rice and salt, but were "without dhal, ghee or curry stuff." Mr. Maingy thought it "certainly desirable that they should be supplied with these articles." Very desirable; and it is not surprising to be told that "the men had suffered greatly during the rains, a great many having died." Nor is

1. Selected Letters, p. 76

2. Summary; Letters Received, 1830-31, p. 445; Letters Issued, 1830-32, No. 183.

3. Summary; Letters Issued, 1825-26, No. 19.

4. Summary; Letters Issued, 1825-26, No. 4; 1827-31, No. 19; 1830-32, No. 9; Letters Received, 1830-31, p. 49; Selected Letters, p. 29.

it surprising that, on a diet of salt meat and buffalo flesh, the officers of the local mess protested against having to pay Rs. 45 a month "for a wretched dinner." Mr. Maingy's reply is not on record, but probably he told them courteously that he himself had to be contented with the same fare.

Eupeptic, then, he must have been or on such a diet he could not have remained so uniformly placid. Once, only, throughout the ten years covered by this correspondence, is there any sign of his temper being ruffled. The Assistant at Mergui had passed over a complaint that the servants of the Commissioner had been 'pressing' fowls.⁵ This omission did raise Mr. Maingy's ire. Either the Assistant did not know his duty, or he did not know the Commissioner. It was intolerable that he should have thought Mr. Maingy capable of getting fowls without paying for them. Mr. Maingy's rebuke, though dignified, was severe. "Your having allowed so serious a complaint to pass unnoticed compels me to express my regret that you should have been so unmindful of what is due to me as well as to those committed to your charge." Even rebukes administered with an unruffled temper were infrequent. When "one of the women" living under the protection of the same assistant had been borrowing money all round the bazaar and, for several months, had obtained her rice from the jail granary without paying for it, Mr. Maingy thought it sufficient to warn the officer against such "lax and inadmissible proceedings" and directed him to pay the lady's debts. Shortly afterwards it transpired that she had been distributing packets of pickled tea, *lep phek*, to all the native officers of the district with invitations to attend a festival at which, after the former Burmese fashion, the guests were expected to contribute to the expenses. "I am aware," wrote Mr. Maingy, "that the ceremony of distributing *lep phek* is an old established custom recognised by all the Burmese, but that in my opinion is no extenuation to your allowing the same usage to be applied to your children."⁶ It would have been difficult to express disapprobation more mildly.

When there was no ground for censure Mr. Maingy was elaborate in compliment. In his first letter to his first Assistant Commissioner he wrote "You are already so fully acquainted with the regulations and arrangements adopted for the different departments that I have few observations to offer."⁷ He was equally generous when reporting on his subordinates. Having occasion to mention Captain Burney, known

5. Summary: Letters Issued, 1827-31, No. 66; Selected Letters, p. 78.

6. Summary: Letters Issued, 1831-35, Nos. 156-8., 1832-34, No. 146.

7. Summary: Letters Issued, 1825-26, No. 8.

THE FASHIONING OF LEVIATHAN

to history for his missions to Siam and Ava, Mr. Maingy feels that "it would be unjust in me not to take this opportunity of apprising the Supreme Government that the talents and resources of Captain Burney's mind, no less than his deep research and indefatigable zeal and exertions, place me on every occasion under very important obligations."⁸ Again, he finds "every reason to be much pleased with . . . the conduct of my First Assistant Mr. Blundell, who to great zeal and application has succeeded in adding the important qualification of a thorough knowledge of the Burmese language." In fact, he "knew no one more capable of fulfilling the important duties entrusted to him."⁹ They must have been a happy company in those early days in Tenasserim, building up this furthest outpost of the Indian Empire under the suave control of Mr. Maingy.

It seems that Mr. Maingy had no rough side to his tongue; one side was smooth and the other smoother. Naturally he used the smoother side for corresponding with the high officers of Government. When the Admiral intimated that he would shortly be visiting Moulmein, Mr. Maingy did himself the honour to express his respectful thanks for the very polite terms in which the Admiral had communicated his intentions and explained that "if called upon he could scarcely point out a more simple and effectual mode . . . for promoting the peace and prosperity of these Provinces, and other objects interesting to the cause of humanity and civilisation" than the presence of one of His Majesty's ships.¹⁰ Which, presumably, was the intention of the Burman artist who illustrated the legend "Peace and Good Will" by a picture of Britannia, fully armed and resting her hand upon a lion. The admiral's comment is not on record, but "the very polite terms" in which the correspondence was conducted must have smoothed down naval bluntness.

With the military officials relations were so constant that a high pitch of courtesy could not be maintained. Also they were complicated by the anomaly that the civilians were directly subject to the Supreme Government in Calcutta, and the soldiers to the authorities in Madras. Conflicting orders were frequently received. Madras would authorise an increase of establishment at the same time that Calcutta was strictly enjoining a reduction of expenditure. Then it became the "invidious duty" of Mr. Maingy to refer the proposals from Madras to his superiors in Bengal, thus exciting "disappointment and mortification."¹¹

8. Selected Letters, p. 66.

9. Selected Letters, pp. 73. 83.

10. Summary: Letters Issued, 1830-32, No. 2.

11. Selected Letters, p. 110.

In plain language, he often had to cut the soldiers' pay in the face of express orders from their superiors to raise it. No wonder then if Mr. Maingy wanted all his tact in dealing with the military. But he had enough and to spare. Consider for example the incident of the Ball Court. In those days there was no chaplain at Moulmein, and when the Adjutant's lady presented her husband with an infant the Commissioner was requested to baptise it. He conceived that he had no authority to baptise a baby unless, perhaps, if the child were seriously ill.¹² The records do not show whether he finally consented, but in his next annual report he represented the need for a chaplain.¹³ After much trouble he succeeded and set himself to find some building for divine service. The Brigadier commanding the forces at Moulmein did not share Mr. Maingy's religious enthusiasm; but he thought that if the Regimental Ball Court could be used as a church he might obtain a new roof for it out of the civil budget.¹⁴ In the alternative he suggested his own quarters; perhaps these also needed repair! Mr. Maingy obviously regarded both alternatives as most unseemly. But he was much too tactful to object. He was, he said, quite agreeable to using the Ball Court as a church, provided that the Chaplain on his arrival should think it suitable; in the meanwhile he regretted that nothing could be done to the roof as there were no palm leaves available for repairing it. As Mr. Maingy must have anticipated, the Chaplain in due course protested against "using the Ball Court for Divine Worship owing to its being the scene of recreation of the European soldiers and often made use of for carrying on the duties of the regiment." It is clear also that Mr. Maingy concurred with the Chaplain in foreseeing "objections on the part of the Protestant Community of Moulmein to attend Divine Service either in a Ball Court or in the Brigadier's Quarters." Mr. Maingy, in fact, had seen through the Brigadier's device for relieving the regimental funds, and without making any fuss, without even offering any formal objection, had effectually checkmated it. That is how one builds an empire; not with drum and trumpet and the iron hand, but with tact and the velvet glove.

Even towards the Accounts Department Mr. Maingy did not fail in tact. Probably he had an innate respect for regulations, he seems to have been that kind of man. But he was always ready to make them do courtesy to common sense. Captain Burney had been left tempor-

12. Summary: Letters Issued, 1827-31; No. 151.

13. Selected Letters, p. 83.

14. Summary: Letters Received, 1830-31, p. 37; Letters Issued, 1831-35, Nos. 194, 202, 211.

THE FASHIONING OF LEVIATHAN

arily in charge at Martaban and, while stationed there, had commandeered a cargo of Government rice to relieve a local scarcity. That was quite inconsistent with the undertaking in Mr. Maingy's Proclamation that he would observe "liberal principles" and would establish and promote "the most free and unrestricted internal and external commerce." Only a few days previously Mr. Maingy had pointed out that "the interference of Government . . . ought rarely to be resorted to excepting in cases of absolute necessity." Presumably someone else was waiting for the rice, and almost certainly the Accounts Department would want vouchers in the proper form. The Commissioner anticipated some difficulty in explaining the matter to the authorities. However, the rice had gone, so he wrote to Captain Burney, expressing his readiness "to acquiesce in any plan you may suggest for accounting to Government for the disposal of this rice."¹⁵ On another occasion Captain Burney found a surplus in his Treasury at the end of the financial year. He proposed to get rid of this "by the disbursement of a sum of money among the inhabitants of Tavoy for the purpose of contributing towards the celebration of the Burmese New Year"¹⁶ in plain language he would give them Government money to buy fireworks. Mr. Maingy sanctioned this proposal without question. In those halcyon days benevolent despots wore carpet slippers and a kindly smile. But the net was closing round them. The disbursements in Tenasserim, "especially those of a contingent nature" (such as unconsidered trifles spent on rice and fireworks) had already attracted the attention of Mr. Secretary Swinton at Fort William. By a strange coincidence orders were received, within a few days of the Burmese New Year, that officers would be held personally responsible for all unauthorised expenditure, "however trifling", unless it was indispensable and immediately necessary, or unless previous sanction had been obtained.¹⁷ It does not appear however that either Mr. Maingy or Captain Burney had to pay up for their contribution from Government funds towards the entertainment of Tavoy, so presumably they managed between them to "find some way of accounting to Government" for the disposal of this money.

When the Government sent Mr. Maingy to confer on the people of Tenasserim the benefit of a Civil Government "on the most liberal and equitable principles" they did not expect the boon to cost much. On sailing from Penang his staff consisted of four clerks, three interpreters and four menial servants, the total salary bill for his establish-

15. Summary: Letters Issued; 1826-27, No. 103; Selected Letters 60

16. Summary: Letters Issued, 1827-31, No. 77.

17. Summary: Letters Issued, 1827-31, No. 83.

ment amounting to Rs. 429 a month.¹⁸ But he had a good digestion, a stout heart and an optimistic temper, and with this stage army he took possession of his kingdom. His first report on Mergui bubbles over with enthusiasm.¹⁹ The town possessed all the advantages which had been ascribed to it, either in a commercial or political point of view, the harbour was safe, extensive and commodious, ships of any size might anchor within a few hundred yards of the town, the finest docks might be constructed without difficulty and a constant supply of excellent fresh water could always be obtained. A trifling difficulty about fresh meat had already attracted his attention; no bullocks were obtainable and "at the moment" buffaloes were rather scarce. But this matter had been badly handled before he came. The Commissariat had been disbursing 'the high price' of eight rupees a head, yet the natives had not been regularly paid, and certainly no method had been followed in procuring animals. Doubtless with a little management the prejudice against the sale of cattle would be overcome. And some encouragement to the inhabitants to rear poultry and cultivate their gardens would, he was certain, ensure an abundance of provisions. Of the resources of the coast there could be no question. The central position of Mergui pointed it out in every respect 'as a depot for a Commercial Emporium', and with an increased population combined with the industry and enterprise of British and Chinese merchants it might reasonably be expected that the ancient commerce formerly carried on with Siam would again be revived, and by this means the manufactures of England and British India would be widely dispersed. It was unfortunately true that, owing to the depredations of the Siamese, the people had abandoned their habitations and neglected cultivation to such an extent that paddy had always been imported from Tavoy, but with the growth of confidence in our protection the country should produce enough rice to be self-supporting. There was a large variety of fruits, the sugarcane was strong and healthy, bamboos were found everywhere and rattans were abundant; a regular tribute of beeswax, oil and ivory might be expected from the Karens; the tin mines were represented by everyone as most extensive and rich; cossumba was cultivated in every garden, sapan wood could be obtained in any quantity, and there were dammer and wood oil in the greatest abundance. The produce of the islands off the coast included beche-de-mer, pearls, ambergrease, tortoise shell, agar-wood and birds nests. The people themselves were lively, good-natured and tractable, and little trouble, he thought, would

18. Summary: Letters Issued, 1825-26, No. 1.

19. Selected Letters, p. 4.

THE FASHIONING OF LEVIATHAN

be required to strengthen the sentiments of respect and confidence which they already entertained towards our Government.

When he had taken over charge at Mergui he proceeded to Tavoy and, with undiminished enthusiasm, found it, with the exception of facilities for shipping and as a place of strength, in every other respect superior to Mergui.

Both in Mergui and Tavoy the feelings excited by the announcement of Mr. Maingy's intention to "provide a Civil and Political Administration on the most liberal and equitable principles" struck him as most gratifying. "Everyone hailed with delight the certainty of being considered and protected as British subjects. They received with horror the possibility of being again made subject to the authority of their old masters, and with still greater dread of being transferred to their inveterate enemies, the Siamese."²⁰ With cheery confidence then he set himself to maintain law order and to develop the resources of Tenasserim.

The problem of the beef supply must have been the beginning of his disillusionment. It did not prove so easy to obtain beef as he expected, and before long the "high price" of eight rupees a head had risen to ninety. The delight of the people on the certainty of being regarded as British subjects was probably no greater than the certainty, and for many years to come the retention of Tenasserim was uncertain. For some time, indeed, the Burmans still hoped to recover it by force of arms; there was a rather serious revolt and the rebels actually managed to seize, and for a short time hold, Tavoy,²¹ and the gratification which Mr. Maingy derived from the cheerful acceptance of his rule must have given place to chagrin when he found how soon they wearied of it. But his chief disappointment and difficulty was the scarcity of labour. The local supply of labour was fully occupied with cultivation and in order to exploit the mines and forests, and especially to open up communications, it became necessary to import labour. Experiments in the use of convict labour failed, attempts were made to attract Indians, Chinese and Malays. But to support labour it was necessary to attract capital, and this, as usual, was less venturesome than labour. The chief obstacle to all schemes for improvement was the heart-breaking delay of the authorities in India and England to decide whether the occupation of Tenasserim was to be permanent. Almost to the end of his time, Mr. Maingy was pressing for a declaration on this point,²² and no formal pronouncement seems ever to have been made.

20. Selected Letters, p. 3.

21. Summary: Letters Issued, 1827-31, Nos. 154, 175; 1830-32, No. 171.

22. Selected Letters, p. 96, 110.

Tenasserim, in fact, cost more than it was worth. The revenue was not sufficient to meet the cost of administration. But then, as Mr. Maingy was never tired of pointing out, the uncertainty of the political future deterred capitalists and speculators from embarking on costly undertakings, discouraged the native land holders from extending their cultivation, and rendered futile any schemes for attracting immigrants. Mr. Maingy saw himself involved in a vicious circle. The country could not pay unless it was developed, but it would not be developed unless Government would guarantee its permanent occupation, and Government could not give any guarantee of this kind until the country paid its way. Meanwhile Mr. Maingy could only carry on, and he did so, to all appearances, cheerfully and competently. He carried on. One does not picture him after the first outbreak of enthusiasm as dangerously energetic. Probably the climate told on him; and the failure of so many plans, the barren result of so much honest labour, must have occasioned temporary dejection. But he carried on; perhaps none the less effectively for being rather less enthusiastic. He seems to have been the kind of man who can get things done without a fuss. The insurrection at Tavoy, for instance, was serious enough in a small way, but throughout this correspondence there are merely two or three casual references to it, and one of these urges the release of some prisoners who had only joined the rebel leader "after our troops had evacuated the town and the Government had in a manner been placed in his hands."²³ That incident seems typical of his administration. One sees him dignified but kindly, portly and a little pompous, but tempering magnificence with amiability and tact. He had common sense, administrative ability and a sound official style in drafting letters. He devised a revenue system and collected the taxes, promulgated codes and administered the law, built jails and hospitals, founded schools and churches, promoted vaccination and encouraged the development of natural resources. He must have had an interesting time. Many of his plans miscarried, and if at the end he was a little disappointed, the architects of empire have disappointment for their natural reward. Such of their seed as falls on barren ground withers before their eyes, only too often they see the crop cut down or perish from neglect, they are quick to notice tares that spring up and choke it; but they can rarely live until the gathering of harvest. They need a serene vision and the habit of long views.

The first letter in these records, written by Mr. Maingy from Penang, is dated the 1st August, 1825, and his last letter from Moul-

23. Summary: Letters Issued, 1830-32, 171.

THE FASHIONING OF LEVIATHAN

mein, handing over charge to Mr. Blundell, was written on the 28th December, 1833.²⁴ On the same day he sailed for Calcutta, homeward bound. His business at Calcutta was to settle his accounts, and, as he remained in Calcutta for two months, it would appear that his accounts were rather complicated. Doubtless, however, he enjoyed the gay society of a Calcutta season and the cool winter climate after so many years of loneliness in swamp and forest. Probably he was in no hurry to leave Calcutta even after finishing his business. But in February he sailed for England, taking with him "a servant named William, a native of Madras" for whose return he entered into a bond "with the usual penalty of Rs. 1000"²⁵.

In this manner Mr. Maingy passes from these records. If much that he attempted failed, some of his work remains. The rules and manuals, the structural frame work of Leviathan, still bear his imprint and, long after his death, his work, surviving in these manuals, has spread over the length and breadth of Burma. His name has almost been forgotten, but it would be a pious tribute to his memory if the Municipality of Moulmein were to change the spelling on their sign posts, and the Admiralty on their maps.

24. Summary: Letters Issued, 1832-34, No. 170.

25. Selected Letters, p. 120.

CHAPTER III.

LAW AND JUSTICE

Leviathan is a creature of the Law; it is by law he lives, and laws and regulations are both the substance of his being and the basis of his power. The strong man, like some Burman rulers of the past, can build up an empire, but unless the framework be fashioned out of law his empire will last no longer than his strength. It is not sufficient for him to enforce the law; he must also submit to it, offer himself a willing sacrifice to Leviathan. Thus only will his work endure. Law is the essential fabric of the Indian Empire and, accordingly, when the onerous task of introducing in the newly conquered province of Tenasserim a Civil and Political Administration on the most liberal and equitable principles was imposed on Mr. Maingy, the first Commissioner, his earliest care was to lay the foundation of a judicial system.

He was given practically a free hand; he could do what he liked, except that he could not try murder cases. Even this restriction galled him, and, of course, in his position, newly appointed to govern a strange country and a month or more from anyone in superior authority, it had practical disadvantages. He was not slow to point them out.¹ "It is much to be regretted," he writes, "that the prisoners in confinement for capital offences cannot be brought to trial. The delay has excited considerable alarm among the more respectable inhabitants and has given rise to the impression that our most severe punishment never exceeds three or four years labour on the public roads." Even when he received power to award punishment "sufficiently severe to check an impression which now prevails among the inhabitants of these Provinces that our most severe punishment never exceeds one or two years' labour in irons on the public works" he was still debarred from passing sentence on major crimes and the records had to be sent to Calcutta for orders. It was not until the end of 1827 more than two years after his arrival, that he "assumed the powers of Judge of Circuit and could hold a "Jail Delivery". One would think that by that time in a newly conquered province the jails must have been rather crowded. Sentences of death or imprisonment for life still required confirmation by the Senior Commissioner, the Officer commanding the forces at Moulmein, and this involved a delay of at least two months between sentence and execution, which Mr. Maingy deprecated. However, it was not long before the appointment of Senior Commissioner was abolished, and the last restriction on Mr. Maingy's judicial powers was removed.

1. Selected Letters, pp. 40, 53, 69; Summary; Letters Issued, 1827-31, Nos. 68, 133

It is true that he was still required to submit periodical reports on the administration of justice. But this could not be reckoned any restriction of his powers, for the reports went to the Secret and Political Department of the Government of India where, apparently they were regarded as so inviolably secret that for some years they were filed unread. At length an Under Secretary, with less sense than leisure, happened to glance at one of them. Then, as is still the way in India, there was a call for explanations.

Some man had been charged with rape. The Jury, after half-an-hour's consultation, acquitted the prisoner of the offence charged,² but thought he should be punished "for having connection with his niece"; his conduct had been indecorous and the Jury wished to signify their disapproval. "The Commissioner concurring in opinion with the Jury," and probably with an ingratiating snigger from the Court Policeman, "sentenced the Prisoner to have his face blackened and to be led in that state round the town, his crime at the same time being proclaimed by beat of gong." That kind of thing would have been all very well at the Court of Haroun al-Raschid, but it was altogether too like the Arabian Nights for a court in modern India.

Probably, then, it was no coincidence that shortly afterwards the Governor-General-in-Council was pleased to resolve that, in regard to matters connected with Civil and Criminal Justice, the Courts in Tenasserim should be "subject to the authority and control of the Sudder Dewan and Nizamut Adawlut at the Presidency."³ These Courts represented the civil and criminal sides of the modern High Court of Calcutta. It was not intended that the Sudder Court should direct any alteration without the previous sanction of Government, and the orders investing it with control expressly state that "the present system of administration and the mode of transacting business appear to be so well suited to the state of society and have hitherto worked so well for the comfort and advantage of the people" that the Sudder Courts were expected only to familiarise themselves with the system and "from time to time suggest any alterations that they may consider proper." But the Governor-General could not take back with one hand what he gave with the other. The subordination of the courts in Tenasserim to Calcutta was the beginning of the end. Tenasserim had ceased to be autonomous.

But all this was a long way off, nearly ten years ahead, when Mr. Maingy was first confronted with the problem of introducing some kind

2. Summary: Letters Issued, 1834-35, No. 38

3. Selected Letters, p. 245.

of judicial administration into the newly annexed provinces. On his arrival he found that "since the capture of Mergui the inhabitants had been deprived of the benefits of any administration of justice, and that those natives possessed of any influence or authority were enriching themselves by robbery and extortion."⁴ In the Proclamation, published on his first arrival, he had undertaken that proper measures should immediately be adopted for administering justice to his new subjects, according to their established laws "as far as they do not militate against the principles of humanity and natural equity" and he had hoped, in accordance with the instructions furnished for his guidance, to "re-establish the Court of Justice as it was originally constituted." But this was easier said than done. He had expected to acquire considerable information from some of the military officers who had been "for many months stationed at Mergui." But, with apologies for the "invidious observation" he felt constrained in self-defence to report that none of them could answer any of his enquiries; "an impression that the country would not be retained, with an idea of being removed at an early period, had produced a feeling of indifference." In Mergui some of the Burman officers who might have explained the Burmese system of judicial procedure had been killed in the war, some had been exiled or deported, many of the best informed natives had left the place, and those who remained were strangely secretive and confused. It really seemed as if the leading people under the old regime had no anxiety to make things as smooth as possible for Mr. Maingy and the English! The prospects seemed better at Tavoy, for here he did encounter several members of the late government. But they possessed "such unbounded influence over the natives" that to reinstate them "would greatly diminish the estimation we are now held in." An experiment in this direction had been attempted by the military authorities. Under the Burman rule the Governor had been a man of good family from Ava, but his head assistant had been a native of the place. This man had been on bad terms with the Governor, and, to avenge himself, had been "most instrumental in delivering up the town into our hands." This treachery was rewarded with the appointment of 1st. Rajah. But he forthwith showed his gratitude by turning against the English, and Mr. Maingy found him under arrest. Previously he had been very well affected to the English and, writes Mr. Maingy, "is so now in all probability, as he would no doubt lose his life if he fell into the hands of the king of Ava." Most of the ex-officials, then, were "viewed as troublesome and disaffected characters", and he was more inclined to deport them than

4. Selected Letters, pp. 4, 9, 16, 24, 27, 33.

THE FASHIONING OF LEVIATHAN

to reinstate them. Thus, for information about the late system of government, he was dependent on those least able to instruct him.

Matters might have been easier if he could have got hold of some records.⁵ But in Mergui "the disappearance of every vestige of the Burman records together with every paper in any way connected with the late government" entirely frustrated his enquiries. In Tavoy he found some records, but they were so injured and defaced that it would take much time and patience to decipher them. For some little time he believed that, in the Burmese Courts of Justice, "as there was no fixed Code of Laws for their guidance, all their decisions were arbitrary"; this view soon proved to be mistaken, and a set of Judicial rules in the Burmese language was discovered in Tavoy, and also in Mergui. But the Burmese law-books were more like fairy tales than codes of law; "they were too vague and indefinite to prove of any service". There were "two Burmese works, the *Dhammathat*, a Pali version of the Hindoo laws of Menu, and the *Yazathat*, a collection of precedents and of rules and regulations established by different kings of Ava." But the people did not appear to have any veneration for the *Dhammathat*, and very few of them could read it; moreover it existed in several editions, "most of the Kings of Ava having established an altered or revised edition as the standard".

All this was very difficult for a well-meaning officer who wished to set up a Court of Justice on the Burmese model. And the whole system, as far as he could make it out, had been "so complicated".⁶ Apparently many members of the late government had presided jointly or separately in the same court, and each of them had held a private court at his own residence. In a full court the seat of justice had resembled a three-decker pulpit; the Governor had sat by himself on the highest bench, the Vice-Governor and the two principal Collectors of Revenue on the second bench, and on the third and lowest bench there had been six Judges: two officers of police, two men to listen to what was said, and with a touch of comic opera—two other men to write it down. So far the judicial constitution though cumbrous was intelligible. But further enquiries darkened counsel. The occupants of the two highest benches were always at liberty to stay away and, in practice, attended only as their inclination prompted. Attendance was optional even for the members of the lowest bench, except for the two police officers who were required to be present daily. It did not follow, however, that those who stayed away were neglecting their official duties, for any member of the bench could hold a private court in his own house. The great

5. Selected Letters, pp. 5, 12, 29, 53, 105.

6. Selected Letters, p. 9.

man who was too lazy or too great a man to attend court might be too lazy or too great a man to hear the evidence; but that was no bar to his exercising jurisdiction, for each member of the bench was entitled to employ a deputy. The particular duty of the deputy "seemed to be that of levying his master's dues and of executing any orders he might receive for extorting money or supplies from the inhabitants." But he was also permitted, if at any time his master should be indisposed to undergo the fatigue of superintending a trial, to take his place as judge, and hear the evidence and pass orders as if he had been the great man in person. From every decision, whether of a bench or of a single judge or of a deputy, there was an appeal to the Governor, but the Governor might refer the appeal to his own deputy and in either event the decision on appeal was final.

It is clear that the system, whatever it was, had grown up gradually, and like every product of gradual evolution, was complicated, illogical and inconsistent; though perhaps not more so than the English judicature at the same date. It might work but could not easily be described,—especially through an interpreter, by men who did not understand it very well, to a man who did not understand it at all. Perhaps it had not worked very satisfactorily. Mr. Maingy thought not, and, anyhow, it was too complicated to revive. He judged it "absolutely necessary to draw up a Code of Regulations for the Administration of Justice" and to lay down in the first article that "the Commissioner, his Deputy or Assistant shall preside as the sole judge"; however, he redeemed the promise in his proclamation by requiring "that there shall always be a person in attendance, skilled in Burman law and usages and well acquainted with the decisions that would have been given by the late judges," and that judgment should be given in accordance with this statement of the law "so long as it be not cruel or does not militate against natural justice".

This Code, which Mr. Maingy drew up for Mergui within a fortnight of his landing, was also adopted in Tavoy.⁷ For the northern district, Martaban or Amherst, a temporary Regulation was devised in August 1826, while it was still in military occupation; but, after Mr. Maingy had been appointed to the civil charge of the whole of Tenasserim "the Youm and Police Regulations in force in the Provinces of Tavoy and Mergui", were extended to Martaban. Meanwhile Judicial Regulations, presumably more elaborate, had been drawn up by the Governor of Penang, and Mr. Maingy, in his first letter from Amherst,

7. Selected Letters, pp. 7, 27, 54, 59, 64, 138.

THE FASHIONING OF LEVIATHAN

announced his intention to introduce them "with some modifications only in respect to the constitution of District Soogee's Court, in which I propose to try the experiment of a Jury or Panchayat to decide subject to appeal, all Suits for Debts or personal property not exceeding the value of 30 Rupees and not involving claims to land or any matter of caste, marriage or inheritance requiring reference to the Law Officer of the country,". It would seem however that the Governor-General thought the Penang Regulations too elaborate, as we are told later that "those on the Civil side for the Register's Court (*sic*) have hitherto alone been followed"; apparently, then, Mr. Maingy's impromptu Regulation remained in force until the Courts in Bengal began to enquire into the judicial procedure of Tenasserim.

The Records in Moulmein do not contain a copy of Mr. Maingy's Regulation, but its general effect can be gathered from a series of instructions to officers appointed to exercise criminal and civil powers.⁸ These seem to have been regarded as Superintendents of Police; thus, when Mr. Gouger was placed in charge of the Police in Ye, his Instructions empowered him not only to try petty misdemeanours but to dispose of cases "on the Civil Side...in all questions of money or property not exceeding in value 200 Rupees, land being valued at ten years' produce free of the Government tax". This Mr. Gouger had been imprisoned in Ava during the war and his "intimate acquaintance with the Burmese language, customs and character as well as the misfortunes which he sustained during the late war" had obtained for him the charge of the Police at Rangoon during the British occupation.⁹ At the end of the war he was appointed Master Attendant in the Port of Mergui on a salary of Rs. 300 a month; Mr. Maingy thought it would be unnecessary to enhance this salary as it would suffice "to grant him the privilege of trading". Mr. Gouger must have found business profitable when, as Superintendent of Police, he could arrest those who owed him money and then, as Judge and Magistrate, choose whether to proceed them in his own court, civilly or criminally, having in either case good reason to expect a favourable judgment.

The other Police Officers with criminal and civil powers were mostly recruited from the army; they cannot have known much law and probably they were not very well acquainted with the language. It would seem however that, as already noticed, they were assisted in Mergui and Tavoy (but, apparently not in Amherst) by an expert in Burmese law and custom. The Commissioner himself, when trying cases as a Sessions Judge, attempted to reconcile the principles of

8. Selected Letters, pp. 68, 76, 79, 88, 146; Summary, Letters Issued, 1827-31, No 44.

9. Selected Letters, p. 67.

English law with Burman ideas of equity by empanelling a Jury.¹⁰ Modern judges accustomed to anticipate, and disregard, the uniform opinion of Burmese assessors in favour of acquittal, will read with some surprise that "considerable advantage was derived from the assistance afforded by a Native Jury, and the Jurors not only cheerfully undertaking, but proving themselves in every respect competent to discharge the duties required of them". Mr. Maingy, as a good Englishman in the liberal tradition, at that time dominant in India, had a great belief in juries; it must have been known to him that Raffles had introduced the jury system into Java during the British occupation, and he thought it should work just as well in Burma. Originally he seems to have regarded the jury as a useful check upon the arbitrary use of power by native officers; but Major Burney, following a precedent in a Madras regulation of 1827, tried his own cases with a jury and when Mr. Maingy found from personal experience that he "derived the greatest aid in trials on the Civil as well as the Criminal side by having recourse to a Jury" he ordered that this system should be adopted in all courts. The inhabitants "soon comprehended the advantage and benefit of such a mode of administering justice and were proud of being employed on this duty, refusing all remuneration." It would be difficult to say as much now, even of a jury in Rangoon with a strong European element, and if the verdict in trials held up-country depended on the opinion of the assessors sitting with the judge, nominally to promote the end of justice, very few criminals would go to jail and fewer still be hanged.

This comparison between the jury system now and a hundred years ago inevitably shows Leviathan to disadvantage. Law is the substance of his being but, working mechanically by law, he is more, or less, than human, and lacks, among other qualities, a sense of humour. For instance, the case where a man was acquitted of the charge against him, but sentenced to be led round with his face blackened, was bad in law, but strong in common sense. Although it scandalised the authorities in the Secret and Political Department of the Government of India, the Jury must have enjoyed the trial, and in taking half an hour to consider their verdict they demonstrated their sense of responsibility.

But a death-blow was struck at the jury system when the supervision over the courts was entrusted to the Honourable Judges in Calcutta; they insisted on law, and the letter of the law. When the first batch of cases from Tenasserim came before the judicial authorities of Bengal, they were not only scandalised but puzzled.¹¹ They could

10. Selected letters, 64, 107; Summary: Letters Issued, 1830-32, No. 69.

11. Selected Letters, 138, 250; Summary: Letters Issued 1835-37 No. 66.

THE FASHIONING OF LEVIATHAN

not understand, for example, why in one case both complainant and accused should have been sentenced to be tom-tomed round the town. It turned out, when an explanation had been duly called for, that they were man and wife, both of a quarrelsome disposition, and that this was the third time they had troubled the court with their frivolous disputes, neither Commissioner nor jury wished to see any more of them. Probably they never did. In that case both complainant and accused were punished, but sometimes judicial impartiality was carried so far that the complainant was punished while the accused escaped. Thus, one defendant called on to answer a charge of rape, was acquitted, but the woman who brought the charge was punished for seducing him to commit adultery with her. Another accused, according to the record, was sentenced to "Exposure" That meant—Good Heavens! what could it mean, or not mean? No such penalty was known to Indian jurisprudence. It turned out very harmless, though not, perhaps, regarded as a penalty imposed by a duly constituted Court of Law within the jurisdiction of the Honourable Judges, sufficiently dignified;—"the nature of the exposure being that of standing on a platform in the public Bazaar with a label stating the Offence Committed". Another matter was simple enough; a case of a petty theft. But it was strange that, although the thief had been convicted and sentenced to imprisonment, no period had been fixed for the imprisonment to end; perhaps the Commissioner could explain. He could, and did. The man had been "ordered into confinement and to be worked as a Coolie until he earned sufficient to pay for the Fowls stolen by him". That might be unprofessional, might, even, in the highly judicial atmosphere of Calcutta, be regarded as illegal; an indeterminate sentence contravened well-established legal principles. But the Commissioner obviously thought it common sense, and so, probably, did the jurors. Another man had been ordered by the Court to make some provision for a deserted wife, "and in failure of so doing to be forcibly employed in any Government work that may be going on and a portion of his Wages so earned to be paid to his Wife." A similar penalty was imposed on a debtor who rashly deceived the Court by undertaking to pay his debts in monthly instalments, "knowing at the time that he would be unable to do so."

If that was Burmese justice, it was time, after ten years of British rule, that it should give place to English law. The Commissioner was given to understand that his orders were irregular; a sense of humour was banished from the courts, and with it there disappeared the native jury. There were no orders to abolish it. In fact, the Court of Directors in England gave it a qualified blessing: if the inhabitants were really

proud to serve on juries, "this mode of administering justice should, under proper limitations, be advantageous as a means of cultivating the intelligence and raising the character of the people". But the jury system cannot work unless the jurors can be trusted without limitations. It was in 1835 that the judges in Calcutta set themselves to overhaul the administration of justice in Tenasserim and there is no further mention of jurors after 1836.

One of the main problems confronting Mr. Maingy in the administration of justice was "the degraded state of the female sex."¹² The courts were thronged with importunate would-be widows. Divorce suits, he said, had been a source of profit to the Burmese judges, but to European officers they were, frankly, a nuisance. He endeavoured to improve the condition of women by introducing a Registry of Marriages and "insisting upon all men desirous of marrying first giving a full account before the headman of his village and the friends of the woman as to the number and places of abode of any other women whom he may have married." This regulation was intended to protect the women, and to check polygamy. The Court recognised no other marriage. Despite these precautions, applications for divorce were so frequent that Mr. Maingy made it a rule never to grant one until the applicant had appeared before his court three times. The banns of divorce, as it were, had to be published thrice. And what struck him as even more inexplicable was that after the importunate parties had wearied the judge until he gave them freedom, it constantly happened that before long they came together again.

That report, however, was submitted in his early days to the Secret and Political Department, where it was buried in their archives. When the Honourable Judges in Calcutta took cognizance of judicial arrangements in Tenasserim everything had to be explained again. They were struck by the constant interference with "the domestic relations of the people, especially in that of man and wife." Mr. Blundell, who had by this time succeeded Mr. Maingy, submitted a copy of his predecessor's Regulation. These orders, he said, "have tended in a great measure to check the indiscriminate system of divorce and to improve the marriage contract by taking no cognizance of any disputes arising between unregistered parties, and by throwing every impediment in the way of those who are registered and desire to obtain divorce". Thus the Regulation brought relief to harassed officials, even

¹² Selected Letters, pp. 107, 126, 139, 143; Summary: Letters Issued 1841-43, No. 74.

THE FASHIONING OF LEVIATHAN

if it still remained true that the marriage tie was little honoured. Public opinion did not insist towards enforcing it; a man and wife might, "separate, from new connexions, or come together again without the slightest imputation on their character or in any way affecting their position in society". Even the refusal to recognise unregistered marriages had not given so much relief as might be thought, for most of the cases on the criminal side related to disputes between man and wife. It was not surprising then that when Burmans were first entrusted with judicial powers all cases of dispute between man and wife were made over to them. They were more likely than Europeans to understand and sympathise with "ancient though perhaps vicious customs", while the right of appeal from their decisions to a European officer would enable him to exercise control by his "equity and sense of justice". It would seem, however, that the steady application of Mr. Maingy's policy cannot have been wholly fruitless, for one of the last entries in these records notes the dismissal of a subordinate officer for falsifying his Register of marriage. At an earlier date that would not have been worth doing.

Another problem which Mr. Maingy had to solve was the recognition of slavery.¹³ The essential conditions of slavery under the Burmese rule were set forth by Mr. Maingy in the following Proclamation that he issued within a few months of his arrival.

"Though the system of slavery under the Burmese rule be nominally mere bond service, yet owing to the but little limited authority of the master—to the impoverished state of the country and to the small chance of a debtor slave obtaining justice against his creditor in the Courts, it may be looked upon as real slavery. The chief alleviation of such a state is derived from the slave having it in his power to transfer his service to another creditor should he find one willing to pay the amount of his debt.

"The nature of the slave bonds is very diversified; for general service, agricultural service, etc. Many are mere engagements to pay some usurious rate of interest by daily or monthly payments, and those of the former description are often changed into the latter, the slave engaging, on being permitted to follow his own business, to pay so much a day out of his earnings. All these bonds are mere acknowledgements of certain debts on repayment of which the slave again becomes free. These debts, augmented by the expenses incurred by the master on account of the slave, for clothes and other items, not including food however, descend to the children whether born in slavery or not, and must be discharged, whether by payments or the substitution of one of them for the deceased parent. Children born in slavery become the slaves of the creditor and are not released by the payment of the original debt of the parents. If grown up, the amount to be paid for such

13. Summary: Letters Issued 1825-26, No. 69; Selected Letters, pp. 63, 108, 128, 185, 249.

born slaves is 30 ticals—Rupees nearly—for a male and 25 for a female. In satisfaction of a debt parents can sell their children, husbands their wives, heads of families their dependent relatives. The amount for which they are sold is considered the debt, for which they alone are answerable, and until it be paid to the creditor they and their posterity are his bond servants. On becoming a slave for a certain amount it is a usual custom to provide security, and such security is answerable not only in the case of the slave absconding, but even on his death. These securities are generally relations of the slave.

"In Burmese law, the price of a male is fixed at 30 ticals and that of a female at 25. These sums are constantly decreed in their Courts in numerous cases. For such sums the children born in slavery can redeem themselves. A master having connection with his female slave against her consent forfeits 25 ticals from the amount of her debt. These sums are also made use of in apportioning the children of slaves, where the parents belong to different creditors.

"In stating however what the law may be in several cases relating to slaves, or indeed to any other subject, we are too much in the habit of attaching our own ideas of the legal right of persons. Slaves may be looked upon in Burma as the property of their masters as much as the cattle in their fields, and though generally their condition is far from being one of hardship or looked upon as a disgrace, yet once slaves they have but slender chance of ever manumitting themselves."

This proclamation was the preamble to a Regulation designed to put an end to slavery. It provided that every slave should be registered in the local courts and that a daily deduction should be made from the amount of the debt according to the service rendered, thus reducing the contract to mere domestic service paid for in advance". Mr. Maingy hoped that in this manner all contracts of bondage would gradually be liquidated and that slavery would die out automatically. But the regulation encountered a good deal of resentment among the wealthier slave-owning classes, and does not seem to have been systematically enforced. Economic conditions, however, were working in favour of the slaves; the occupation of Tenasserim was followed by a great rise in prices and wages. Rs. 30, a small fortune in Burmese times, came to represent no more than the wages of unskilled labour for a few months. It is true that at the same time "the cost of a slave or debtor servant" rose to Rs. 120 or 180, but this did not affect previous contracts. Within two years Mr. Maingy was able to report that almost all the slaves had succeeded in redeeming themselves, and in his last report before relinquishing his charge he stated his belief that the number of slaves were less than one-tenth the number under Burmese rule.

But like the domestic relations of the people, the problem of slavery attracted no attention in India until control over the courts in Tenasserim was delegated to the judges in Calcutta. Just at that time the movement for the abolition of slavery in the West Indies had reached its climax in the legislation of 1833. Obviously the judges were shocked

THE FASHIONING OF LEVIATHAN

to learn that slavery was still tolerated in Tenasserim. But Mr. Blundell, the successor of Mr. Maingy, demurred to the suggestion that it should forthwith be abolished. He did not like the system; it was an encouragement to idle recklessness and gambling. For the purpose of gratifying some whim or indulging in some irresistible temptation people would borrow more than they could hope to repay, and when they found themselves the slaves of others who alone were to profit by their labour, their minds were vitiated, their energies depressed and all stimulus to industry and exertion was lost. On the masters also the effect was almost equally injurious; with only slave labour to depend on they could not be expected to evince activity or enterprise in the conduct of their affairs, either commercial or agricultural. Still, he was reluctant to interfere with the condition of registered slaves. The Regulation of Mr. Maingy gave them an opportunity to earn their freedom. He recommended, therefore, that contracts for debtor slavery should not be prohibited, but that after a certain period the Courts should refuse to recognise them. People would still be able to sell themselves as slaves, but the creditor would no longer be able to compel either the service of the debtor or the payment of the debt. By adopting this suggestion "persons of fair and honest character" would still be able to obtain advances on the security of their personal services, while people with money to lend would be more careful about lending it. The Court of Sudder Dewanny was still uneasy, and called for a copy of the Regulations but, under orders from the Board of Directors, Mr. Blundell's proposal was accepted. When Mr. Maingy decided to abolish the cumbrous judicial organisation of the Burmese he replaced it by the simplest of procedure¹⁴. On the civil side cases were heard viva voce, but no "vakeels or professional pleaders" were allowed; the matter at issue was elicited by a thorough examination of the parties, and the witnesses were examined on oath or otherwise as seemed expedient. A brief abstract of the plaint, defence and evidence were then recorded together with the decision. This abstract constituted the whole record of the proceedings. Costs were levied at one-tenth the subject matter of the suit. If the plaintiff failed to substantiate his claim he was held liable for the costs on the difference between the amount claimed and the amount awarded, but if his suit were deemed frivolous he might have to pay one-fifth the amount of his claim. If, however, the parties effected a compromise, even on the suggestion of the Court, the full amount of the costs was remitted. Criminal charges

14. Selected Letters, 88, 106, 146, 159. Summary, Letters Issued, 1835-41, No.

were disposed of on similar lines and were not in fact distinguished very carefully from civil cases. The whole procedure was directed apparently with success towards discouraging unnecessary litigation and dispensing justice with a minimum of judicial form. Year after year the Commissioner was able to report that there were no crimes of any magnitude. There was so little work for the magistrates that they had to be reminded to open their courts daily, or at least twice a week, even though no case was fixed for hearing. There can be few parts of India nowadays where it is possible to report that "arrears in the disposal of cases are unknown". And anyone acquainted with modern criminal statistics in Burma will feel inclined to rub his eyes at the frequent references to the orderly and law-abiding habits of the people. Here, for example, is a typical extract from a periodical report in which the Commissioner expresses his satisfaction "that we should be so free from heinous crime. I would not deprive our Police of all credit for so pleasing a fact; on the contrary I think that the high probability of eventual detection has considerable effect on the minds of the ill-disposed, but I ascribe a great deal to the generally peaceable and orderly habits of the people and their highly flourishing circumstances with consequent diminished tendency to crime. Something must also be ascribed to the fact that there is nothing in the criminal procedure of our Courts . . . to deter the people from giving their evidence. The trials not being numerous and never allowed to accumulate, the witnesses are not subject to any harassing or vexatious delays." High probability of eventual detection . . . peaceable and orderly habits . . . witnesses not harassed by delays . . . *quanto mutatus!*

Mr. Maingy would have liked a little, a very little, more formality. He thought that people were entitled to know why they were punished;¹⁵ there might be even less crime, if the people understood what the English regarded as offences. He saw little difficulty in this. The Kings of Ava had always revised the dhammathat, when this was thought expedient, and therefore Mr. Maingy did not "foresee the smallest difficulty to the British Government undertaking the task of compiling and establishing a new code of laws for the inhabitants of these provinces. The 9th Geo. IV Cap. 74 with the clauses relating to arson, bigamy and some other points modified a little, might form the text for the Criminal Law, whilst the Civil Code might be taken from the best editions of the Dhammathats with a few trifling improvements. No measure would sooner enable our Burmese and Talaing population

15. Selected Letters, p. 105.

THE FASHIONING OF LEVIATHAN

to comprehend the principles of our Government or inspire them with greater confidence in our future views and intentions, than our compiling and publishing for their information a code of laws shewing not only our desire of continuing to them as far as possible their own customs and laws relating to marriage, inheritance, etc., but teaching them, in precise terms, what we consider as crimes and offences, and what penalty we annex to each. "He therefore recommended the constitution of a committee consisting of some of the more learned and intelligent Burmans and Talaings, and two or three European officers, well acquainted with the language and customs of Ava" to draw up a suitable Code.

That was the position when, in October, 1834, just after Mr. Maingy had made over charge to Mr. Blundell, the supervision over judicial procedure in Tenasserim was delegated to the Courts of Justice in Calcutta. Nominally no changes were to be introduced, but in effect, the orders signified that Tenasserim was no longer to be an Utopia for magistrates. Evidently Mr. Blundell understood them in this sense.¹⁶ When the judges in Calcutta demanded explanation of his sentences—with what good reason we have already seen—and then called for records of proceedings, and then for various periodical reports and returns, he felt that the personal touch on which the former system had rested was imperilled. Those records, for instance, that the Judges wished to see, might not appear sufficiently explicit; they were certainly a little sketchy. And, above all, he feared that the Judges might "have it in contemplation to introduce a closer analogy to the system of the Courts in Bengal, which seemed unsuited to the state of society in these Provinces. By causing delay and the introduction of peculiar forms adapted to a higher and more refined state of society, it would be likely to prove extremely unpalatable to a people accustomed under their former rulers to an expeditious and unencumbered—surely he had forgotten the three-decker bench—though certainly corrupt administration of justice, and, since they have been under us, to an equally expeditious, though upright and impartial, settlement of their mostly unimportant cases."

Mr. Maingy, in fact, at the time of his retirement had been contemplating a still further simplification of judicial procedure.¹⁷ In his last Report he writes, "the present plan of forcing the witnesses to attend when the depositions for committing the accused to jail are taken, and

16. Selected Letters, p. 138.

17. Selected Letters, p. 106; Summary: Letters Issued, 1836-38, Nos. 11, 12; Selected Letters, p. 160.

again when he is tried, is a very heavy tax on the poorer inhabitants residing at a distance from the principal station." Mr. Blundell was wholly in sympathy with this view, and when, a year or two later, the Court of Nazamat Adawlut asked his opinion on a proposal to abandon the practice of administering oaths, Mr. Maingy's suggestion recurred to him. He had just had occasion to report on "the happy infrequency of Perjury in this Province."

Probably the administration of an oath encouraged people to tell the truth, but he did not see why they should be sworn on separate occasions to tell the same truth twice.

"I am of opinion," he wrote, "it would not be desirable in this country altogether to abolish Oaths in Criminal Proceedings, though I certainly think they might, with much salutary affect in the administration of Justice, be rendered of less frequent occurrence than now obtains. The respectable Native of this country has no objection to an Oath in the Abstract, especially on Criminal trials where the fate of a fellow subject may be at stake. He sees the necessity of his evidence being confirmed by an appeal to the Divinity, and I have never experienced any demur on their parts in the course of Criminal Trials held before me as Commissioner, but in the course of my experience as a Committing Magistrate, which is fully confirmed by all my Assistants, I have met with loud and frequent Complaints against the double oaths imposed, that before the Magistrate on Committal and before the Judge on the Trial. The necessity of the Oath before the Magistrate is not apparent to them, and I am convinced that many are deterred from coming forward to state what they know of a case, by the knowledge that their testimony, however trivial, must be confirmed by an Oath."

"The efficacy of Oaths is decidedly lessened by their frequency in our Courts. It has always been an object with me, and one that I have caused my Assistants to observe, to dispense with them as much as possible, especially in Civil cases, where I conceive that a strict *viva voce* cross examination is infinitely more efficacious towards eliciting the truth than the oath. In Criminal cases, however, I have not considered myself justified in dispensing with the usual forms, but I should rejoice for the sake of the fair prejudice of the people (*sic*) and for the increased efficacy of Oaths which I conceive would result from it, were they reduced in number in criminal trials by abrogating those now enforced on Committal."

A year later he returns to the subject and explains that "the double Oath (on Commitment and on Trial) is the only feature of the judicial procedure likely to deter people from giving evidence." However, all the paper and ink devoted to the discussion about administering oaths was only profitable, like many other discussions, to the stationery trade. Nothing came of it except a pile of correspondence.

The Judges, in fact, were not so impressed as Mr. Blundell with the desirability of simplifying judicial procedure. He wanted justice, but had small liking for the law, and even less for lawyers. What he dreaded most was that a more elaborate procedure and a greater respect for judicial forms would render it more difficult to resist the

THE FASHIONING OF LEVIATHAN

introduction of advocates. From the annexation it had been a source of pride to administrators in Tenasserim that no vakeels or advocates were allowed; time and again in periodical reports they refer to this as a most valuable feature in their judicial administration. For some years after Mr. Blundell had succeeded Mr. Maingy he continued to stress this point, although with an ominous absence of any expression of approval from the Judges in Calcutta. When, at length, the growing mercantile community of Moulmein petitioned the Government of India that they might be permitted to engage advocates to appear for them in Court, Mr. Blundell objected that pleaders had never been allowed, that there were no rules for their conduct, and that to admit them would be "to raise up a set of low adventurers seeking a livelihood by conducting cases on speculative terms".¹⁸ He saw that, if advocates were recognised, the informal dispensation of justice by a European officer, certainly impartial and probably a little clearer-headed than the Burmans squatting round him, was bound, sooner or later, to disappear. It would in fact strike at the root of the local policy of discouraging litigation, and encouraging the prompt settlement of disputes. But he was kicking against the pricks. Leviathan was slowly moving forwards to absorb Tenasserim, and little obstacles like the prejudices of Mr. Blundell were of no avail to stop him. The rule of Leviathan is the rule of law; and therefore the rule of lawyers. The Judges in Calcutta were in part recruited from the bar and did not like being called low-down adventurers by Mr. Blundell; they backed up the merchants and the Commissioner was overruled. It is clear that there was a growing strain on the relations between Mr. Blundell and the Judges in Calcutta. He stood for the old ways, for the personal administration and the human touch; they wanted the formality of law. They were getting on one another's nerves, and when that happens people are apt to differ for the sake of disagreement, so that on occasion they reversed their roles. Mr. Maingy had followed the Burmese practice of levying a duty of ten per cent upon the amount of the suit, payable by the party losing the cause, and also of levying taxes at the rate of one rupee for each summons to a defendant, and eight annas for each subpoena to a witness.¹⁹ One might have expected the Judges to approve this element of formality in the very informal proceedings of the local courts, and Mr. Blundell to welcome their suggestion to abolish it. But the Judges objected to the charges, and Mr. Blundell supported them. The Judges seem to have been acting at the instance of the

18. Summary: Letters Received, 1842, No. 178.

19. Selected Letters, pp. 11, 106, 249.

Board of Directors in England. The Board "disapproved in principle of all such taxes and were only prepared to countenance them where sanctioned by long custom or essentially important as a source of public revenue." The duty of ten per cent they did not like, but regarded as less objectionable. When the Judges conveyed this opinion to Mr. Blundell he consented to abolish the payment of duty by the loser, but he strenuously supported the taxes. Although doubtless objectionable in principle, "being levied indiscriminately and without regard to circumstances on all suits," the objection was "moderated by the smallness of the tax." It did not seem hurtful nor to deter litigants, but if no fee were charged for summoning witnesses many people might unnecessarily be called to Court. In short, he "did not see any advantage or necessity in abolishing it." The upshot is not on record. But we learn elsewhere that, rather inconsistently, he objected to the payment of witnesses, which had never been the practice in Tenasserim. In this matter, as in respect of the admission of advocates, his objection was overruled.

If Mr. Blundell sometimes appeared unreasonable, so also did the Judges. The Commissioner took it for granted that the absence of arrears in the disposal of cases was a gratifying feature of his rule. There would be a common-sense view. But it is not necessarily the legal view. Probably the Judges were suspicious of despatch without the safeguard of judicial forms. It is clearer, however, that they could not quite understand the prompt disposal of cases in Tenasserim. The Commissioner called on to explain it replied, rather abruptly, "that the system in force prevents any arrears accumulating".²⁰ Possibly it was with a view to facilitating the accumulation of arrears that the Judges forwarded a long series of periodical returns.²¹ Many of these were found inapplicable to the conditions of Tenasserim and some could not even be understood,—"the very terms of the headings are quite unknown in this Quarter"—so that only 12 out of 30 could be written up. That, however, was sufficient as a beginning. Before long it became necessary to represent that since the Judicial department had been placed under the Sudder Court, there had been a great increase of clerical work and especially a very considerable increase in the correspondence with the Presidency so that the supply of stationery was exhausted and extra clerks were required. Already the administration of justice in Tenasserim was in the grip of the machine.

20. Selected Letters, pp. 106, 138 159 Summary, Letters Issued 1836-38, No. 22.

21. Selected Letters, p. 196; Summary, Letters Issued, 1835-37, p. 87; 1837-38, No. 142. 1835-37, No. 11.

THE FASHIONING OF LEVIATHAN

After all, there was something to be said for it. Even the Commissioner, while still kicking against the pricks, would have been bound to admit this. These reports and returns showed him for example that his subordinates were apt to confuse criminal and civil cases.²² And it showed him stranger things than that. At one station, out of 65 men tried by a European magistrate and his Burman subordinate, only three had been acquitted by the European and none by the Burman. Summary, no doubt, but was it justice? He must have felt that perhaps there was some use in these objectionable returns.

Another sign that the grip of Leviathan was closing on Tenasserim, and an indication of the reason, may be found in connection with the appointment of Justices of the Peace.²³ After the death of William IV the Commissioner was instructed that all Justices of the Peace should renew the oath qualifying them to act in that capacity. But it had never yet occurred to anyone that any such officer was needed in Tenasserim, and there was none. Mr. Blundell reported to this effect. But he thought there ought to be; "In these provinces, where the European community is now large, it is especially necessary that each officer acting as a magistrate should also be a Justice of the Peace." That, however, was not the end of the matter. It appeared that the office of Justice of the Peace was handed on with all the ceremony of a sacrament and that, as a bishop is no bishop unless he derives his powers by apostolical succession, so a Justice of the Peace can only take the oath before an officer "who at the time of administering it is himself a Justice of the Peace." Tenasserim, therefore, had to wait until some officer should be available who had taken the oath in India. The first officer qualified to administer the oath was Major Broadfoot, who was sent over from India to supersede Mr. Blundell.

Mr. Blundell, therefore, was the last official European magistrate in Burma who was not a Justice of the Peace. The coincidence is almost symbolic. The necessity for Justices of the Peace arose from the growth of the European community, or, in other words, from the growth of trade. With the development of trade Tenasserim could no longer be self-contained, as Mr. Blundell would have liked to see it. He wanted to eat his cake and have it; to develop Tenasserim by trade, and at the same time govern it according to his own conception of what was right and proper. But that would have meant definitely making the development of the country a secondary consideration. Neither Mr.

22. Summary: Letters Issued, 1835-41 Nos. 43, 63.

23. Summary: Letters Issued, 1838-39, No. 151; Letters Received, 1839-40, No. 373.

Blundell nor the Government of India, least of all the merchants of Moulmein were prepared to adopt this attitude. They wanted trade and trade means Law and (much to Mr. Blundell's annoyance) lawyers. The mechanism of Leviathan is law, and the fuel that drives the machinery is the desire of gain. Even the Commissioner had to learn that he was only a cog in the machinery. Mr. Blundell failed because he would not recognise this.

CHAPTER IV.

JAILS.

The rule of Leviathan is the rule of law. He expects his subjects to be normal men and to act in a normal manner; if they are abnormal, or act abnormally, he claps them into a jail or a lunatic asylum—not out of ill-will, but in the sequence of cause and effect, which is the law of his being. In Utopia no one would be in a jail or a lunatic asylum, because no one would be abnormal, and there would be no need of jails or of lunatic asylums. In Tenasserim, before the annexation, there were practically no jails or policemen. But it was not Utopia. The reason was that "the most severe punishment being mitigated by pecuniary fine", there had been little need of prisons.¹ "Death was seldom inflicted for the worst of crimes"; no one who could afford to pay a fine was executed, or even allowed to stay in jail; if the offender was unable to satisfy the demand, his property was confiscated and (he) with his family became slaves to the Judge who awarded the punishment". Yet some, from whom nothing could be squeezed, were found in jail on the arrival of the British, and others were sent to keep them company during the disturbances consequent on the British occupation; for over two years the number in confinement was continually increasing, because Mr. Maingy was not yet empowered to hold a Jail Delivery. He had no power to impose the death penalty without reference to higher authority, which often involved considerable delay. The growing need for prisons became still more pressing when in 1828 it was decided that convict labour should be imported from India to help in opening up the country.² This made it necessary to construct a jail at the headquarters of each district.³ These jails were flimsy enough structures, just wooden

1. Selected Letters, pp. 53, 69; Summary, Letters Issued, 1825-26 No. 32; 1827-31, Nos 68, 133.

2. Summary, Letters Issued, 1827-31, No. 87; 1832-34 No. 174.

3. Summary, Letters Issued, 1834-35, No. 16; Selected Letters, p. 142.

THE FASHIONING OF LEVIATHAN

buildings raised on posts; it is true that they are described as 'strongly battened all round with wooden platforms' but, as they were roofed with leaves, it required no Jack Shepherd to break out. The safe custody of the prisoners depended almost entirely on the vigilance of guards. The jail differed little, in fact, from an ordinary wooden bungalow, except for a wooden stockade, which in course of time, as funds allowed, was replaced by a brick wall.

The Commissioner recognised that the jails were not very secure. But they were not meant to be very secure. He regarded the convicts as so much cheap labour imported to make roads; if he had to spend money in housing the labourers he might as well employ more expensive local labour on the roads. But the people in India who supplied the convicts looked at matters in a different light; when they were asked to supply convicts for Tenasserim, they thought it a providential opportunity to get rid of their hard cases. At that time the Government of India was engaged on rooting out the thugs, that strange caste of professional murderers. So it happened that among one batch of convicts sent to labour on the roads there were twenty five who had been "guilty of Thuggee and Murder,—part of a desperate gang of Thugs which had lately been broken up in Central India" and whose "safe custody was an object of paramount importance."⁴ Nasty fellows to build roads with, these, or to keep in confinement in a wooden bungalow with a thatched roof. It was hardly playing the game to send convicts of that type to a well-meaning officer who had quite enough trouble in building up his own little corner of the Empire. Mr. Maingy protested vigorously, but in vain. He asked for convicts and kept on asking; Thugs were convicts, so they sent him Thugs, and kept on sending. It is not surprising then to read of murders by Thug Convicts who "not only confessed the murder, but gloried in the act and vied with each other in shouldering the guilt." Even that did not convince the authorities in India that thugs should not be exported to Tenasserim. For, many years later, a young missionary, destined to become famous as an educational pioneer in Burma, was sent to the hospital in Moulmain, seriously ill. But he found the hospital more dangerous than his disease. Left alone under the charge of a convict hospital assistant, apparently quiet and well-mannered, he was alarmed by a sudden change in the man's demeanour. All was quiet in the hospital, and the convict was performing the usual duties of a sick nurse, when suddenly a ferocious glare lighted up his eyes and he sprang at the sick man's throat. Fortunately, for lack of practice, his hands had lost their cunning, and the noise of the struggle

4. Summary, Letters Issued 1831-35, No. 16; 1835-37, p. 82.

attracted help; the assailant was overpowered and, presumably, discharged from his duties in the hospital. He was a thug; one of the men sent in the early days to labour on the roads, and after all these years his lust of murder was not yet quenched. The missionary lived to educate Prince Thibaw, and to see his pupil massacre his relatives on a scale that would have done credit to the most devout of thugs. Still, it was rather a slur on the medical profession to appoint a professional murderer as a hospital assistant.

Thugs were bad enough, but the Commissioner positively drew the line at females. People in India came to think of Tenasserim as destined by Providence for relieving them of the surplus population of their jails. Or, perhaps, knowing it to be thinly populated and recognising that professional murderers were unlikely to augment the population much, they felt bound to repair any losses that might be occasioned by the thugs. Anyhow, they purposed to draft off female convicts from Bengal. But the Commissioner put his foot down;⁵ one or two females from Bengal had already been received into the jail, and were the constant cause of quarrels and insubordination among the convicts. What else could you expect with two women among two hundred men and no provision for effective segregation?

When the convicts were not quarrelling over the women, they seem to have had a pleasant enough time in jail.⁶ They were quite well fed, receiving a basket of rice a month, and one and a half rupees in cash. With this allowance the prisoners were "enabled to command as much food and as of good quality as the free labourer", who seldom spent more than two and half rupees a month on his food, including rice. Whereas the free man had to be content with "coarse balachong and leaves from the nearest tree", when in jail he could afford "tobacco and savoury food," though "spirits and intoxicating drugs," could not be brought within the jail. One difficulty about granting a money allowance was that the prisoners had to be given facilities for spending it. An attempt was made to establish a small bazaar in the jail compound, but the vendors took advantage of their monopoly to raise prices. The prisoners, therefore, on their return from work, were allowed to visit the bazaar and shops to buy "such stimulating and savoury food" as they might fancy. They were allowed to buy tobacco, but not spirits or intoxicating drugs. It must have been quite a pleasant relaxation from hard labour to wander round the public bazaar, buying their stores, chatting to the women, and indulging in general conversation. The

5. Summary, Letters Issued, 1835-37, No. 58.

6. Selected Letters, pp. 135, 144; Summary, Letters Issued, 1838-39, No. 59

THE FASHIONING OF LEVIATHAN

convicts found it less amusing when they were divided into messes of 40 or 50 men, with a cook to each mess, who was taken daily to the bazaar by warders to buy food for the whole mess. However, they made up on the swings what they lost on the roundabouts. By feeding in gangs their food cost less; and out of their allowance they found it possible "to supply themselves with luxuries and even to save money." They put by so much money that they could not afford to run away from jail and the Commissioner was "little apprehensive of their even attempting it." In those early days it does not seem to have occurred to anyone that an allowance, which permitted a convict to feed better than the ordinary free labourer and still save money, might possibly be excessive, and the new arrangements for feeding them were regarded as wholly satisfactory.

But there was still a difficulty. Facilities for bathing had to be provided, and, as there were no wells in the jail compounds, the convicts had to be allowed to use the public wells. Here, as formerly in the bazaar, they could indulge in general conversation with the outside world. They could not bathe by deputy as they could send a man to buy their food, and the problem of segregating the convicts while bathing long remained insoluble. There was no objection to the convicts using the public wells, if it could be arranged that they should find no one else there bathing. But in Burma people bathe at all hours of the day, and the convicts could hardly be required to bathe at night. Ultimately a very simple expedient was devised. The general public was debarred from using the public wells when these were wanted by the convicts.⁷ That sounds, perhaps, more than a little high-handed, and possibly one of those lawyers whom Mr. Blundell described as "low adventurers conducting cases on speculative terms" might have contested the validity of such an order. But in those days the public did as it was told. If an honest man felt at any time that, with priority in bathing, with better food than a free man could afford, and with opportunities for saving money, he would be better off in jail, the courts were open, and wasted very little time in legal forms.

Except for protests about the quality of convict labour and explanations for expenditure on housing them, we do not hear much about the jail arrangements under Mr. Maingy. But shortly after Tenasserim had been made subordinate to Bengal, which synchronised with the assumption of charge by Mr. Blundell, a Committee of Enquiry into Prison Discipline was appointed to investigate the condition

7. Summary, Letters Issued, 1841-43, No. 17.

of jails in India. Tenasserim came within the scope of their enquiries. Mr. Blundell welcomed enquiry and did not think there was much occasion for reform. As he writes in one report, "It is almost needless for me to say that I am satisfied with the condition and management of the jails, considering that the system pursued emanates from my orders and is under my immediate eye. The prisoners are well fed, comfortably housed, employed in no unhealthy work and mortality among them is very inconsiderable."⁸ After all, these Thugs can not have been such very desperate fellows. Not only did the prisoners have quite a good time in jail, but they did not suffer in their reputation. "In the eyes of the natives," writes Mr. Blundell, "no disgrace appears to attach to the fact of being confined on a criminal charge, or to having undergone a sentence of imprisonment in irons"⁹. A prisoner after his release need experience no difficulty whatever in making his way in the world; that he had worked in irons on the public road did not operate to his prejudice, and many ex-convicts became most respectable members of society.

The authorities in Calcutta were not quite so easily satisfied as Mr. Blundell. For one thing they were of opinion that a man sent to jail for a certain period ought to be kept in jail for that time, and this was very far from being uniformly attained in Tenasserim. The structure of the jails, as we have seen, presented few obstacles to anyone who was determined to escape, and the numerous reports of convicts breaking loose shows that not all of them appreciated the comfort of their surroundings. Mr. Blundell regarded these evasions as a philosopher rather than a jailor.¹⁰ Some of the prisoners were "Notorious bad Characters who could not provide Security for their good Conduct." These were not put in irons during their confinement, nor were they strictly guarded when at work. As it was for not working that they were sent to jail, it is not surprising that when set to work and not very strictly guarded, they escaped. This did not worry Mr. Blundell. "Should they run away and remain within the Provinces," he writes, "they are sure to be soon re-apprehended and are then punished as runaways from the jail. Should they quit the Provinces, this is what is most to be desired." In respect of the "notorious bad characters," who had not been convicted of any definite offence, his attitude was, perhaps, excusable, but, unfortunately, these were not the only people to escape. Year after year we read of convicts escaping, and at length the

8. Selected Letters, p. 160.

9. Selected letters, p. 145.

10. Summary, Letters Issued, 1835-37, No. 66.

THE FASHIONING OF LEVIATHAN

Government of India enquired why 77 convicts had escaped from jail within four years without being re-apprehended. They suggested that more jails were required. Mr. Blundell was not perturbed. He reported that of the 77 escaped convicts most had died in the Jungle, 14 had been found working as Slaves for a Headman in Siam, still in irons, with more work, less food and worse accomodation than they had had in jail."¹¹ Since then there had been fewer escapes and he considered it unnecessary to strengthen the Jail guard. It had, in fact, become a tradition in Tenasserim, that convicts ought to pay their way, or rather more than pay their way; that they should be a source of income rather than of expense, and were not worth keeping except on this condition. That was not at all the view of the Government of India, and this difference of opinion regarding the safe custody of prisoners contributed to the straining of relations, which ultimately led the authorities in India to find some other field for the activities, and inactivities, of Mr. Blundell, and to bring the administration of Tenasserim into closer harmony with Indian routine by appointing an officer from India to be Commissioner.

Besides those who escaped from jail there were many who escaped from private houses where they were working as hired servants.¹² The original intention in importing convict labour had been to promote the execution of public work and, in particular, to improve communications, which could not be undertaken by local labour at the prohibitive rates of wages then obtaining. But the rate of wages was felt with equal acuteness by private individuals. Moreover, most of these knew some Indian language and very few knew or wished to learn Burmese. By employing convicts imported from India they were saved the trouble of learning to speak Burmese and of teaching Burmans the duties of a European household. On the other hand, Government found it much easier to import convicts for labour on the roads than to provide work for them on their arrival. The Commissioner, therefore, had convicts and no work no give them, and private individuals had work to be done, and no one very anxious to do it; at any rate on such terms as they would offer. Mr. Maingy, on his arrival, had been very shocked to find that the military officers had been compelling free labourers to work for private individuals, but he had no objection to hiring our convicts. In very early days, then, sanction was obtained to this practice, which spread rapidly. From one report it appears that con-

11. Letters Issued, 1839-41, No. 162.

12. Selected Letters, pp. 62, 135; Summary, Letters Issued, 1835-37, Nos. 71, 112.

victs were "employed in the following professions, *all being profitable to Government*: Sawyers, 60; Brick and Tile makers, 220; Potters 7; Weavers, 12; Blacksmiths 2; Brass Founders, 2; Hired out as Private Servants, 88; Hired out as daily labourers (monthly average) 64." Within two years, however, 17 convicts employed as domestic servants effected their escape, and the Commissioner reported that the practice of hiring them out had been abandoned.

When the numerous escapes from private custody led the Commissioner to report that the practice of hiring out convicts had been stopped, he did not, it may be presumed, intend to deceive the Government of India. As still happens so often in India, the mere passing of an order was regarded as identical with the doing of the thing ordered. But, where a practice is congenial, it is much easier to start it than to stop it. If the prohibition be not wholly disregarded, there will always be special circumstances justifying exceptions, until by degrees the exceptions, once more become the rule. So it happened with the private employment of convicts. A newspaper, for example, was a necessity, but the only man qualified for the post of managing Printer was "an individual some time ago transported for embezzlement."¹³ Before long the order forbidding the hiring out of convicts was forgotten, and we read that a convict servant "in whom his master placed every confidence" had bolted across the frontier with cash and valuables worth Rs. 4,000. Mr. Blundell might regard that philosophically; a man foolish enough to trust a convict servant with his cash deserved to have his confidence abused, and if the servant bolted across the frontier, "that is what was most to be desired". But it was the kind of thing that the Government of India would not stand, and when an officer from India was appointed to supersede Mr. Blundell and tighten up the administrative machinery of Tenasserim, one of his first measures was a peremptory order that convicts were no longer "to be employed in public offices, nor as servants, nor as day labourers, nor to be hired in gangs to private individuals". Two days later he passed the order that we have already noticed, forbidding the general public access to the wells while convicts were bathing. Taken together, these orders mark the end of the happy-go-lucky and, it must be admitted, rather inefficient, jail administration during the period of personal rule in Tenasserim. Henceforth the jail administration was to be efficient. No one was likely to be the happier for the change, certainly not the people who had been getting labour on the cheap, and least of all,

13. Selected Letters, p. 135; Summary, Letters Issued, 1837-38, No. 45; 1841-43, No. 10.

THE FASHIONING OF LEVIATHAN

perhaps, the convicts themselves, who came to have better reason for escaping and less chance to do so. Prison administration became more efficient and expensive. Fewer prisoners escaped. But one is inclined to question whether the extra efficiency was worth the additional expense.

This brief sketch of prison administration in the early days is interesting for its suggestion that common sense is a bad guide for empire builders. Mr. Maingy found in Tenasserim a large area with great natural resources which he was unable to develop for lack of labourers. It was common sense to import convicts to make roads and then, on finding that he had more convicts than he knew what to do with, it was common sense to hire them out to private individuals. But cheap labour drives out good labour, and no free labour can compete with convict labour, nor will free men readily undertake work of a kind that has come to be associated with convicts. Thus one effect of importing convicts was to diminish the supply of free labour, and thus to raise the rate of wages. If convicts had not been imported, employers would have found it necessary to employ the people of the country as labourers and servants; Europeans would gradually have learned to work with Burmans and Burmans with Europeans, and the people would have been developed at the same time as the natural resources. But the importation of convicts created a barrier between Burman and European that has never been broken down. By the time that convict labour was abolished, cheap labour from India was available to replace it, and thus erect an even more formidable barrier against the economic education of the Burman.

Judged even with reference to its professed object, the improvement of communications, the policy of importing convicts was a failure.¹⁴ Although they were imported to make roads, their most urgent task was to build prisons. This employed so large a proportion that not many were left for road-making. Some ten years after the annexation it was reported that all the jails except one were reserved for imported convicts, and that in the whole of Tenasserim there were no more than 150 local prisoners. And, ten years later still, it was necessary to admit that "there are no roads, canals, tanks or other works in the interior". It may have seemed common sense to adopt convict labour because of the difficulty of developing the country with free labour; but, after all, free labour could hardly have accomplished less.

14. Selected Letters, pp. 82, 146, 195.

CHAPTER V.

POLICE.

Under Burmese rule, the organization for apprehending offenders was "as primitive as that for keeping them in custody. The country was divided into 'districts', as Mr. Maingy called them; circles or villages, we should call them nowadays. The districts in the interior were never so populous as to require a police establishment, and, on any offence being committed, the head-man or district chief apprehended the offender and sent him to the nearest town.¹ Even in the towns the maintenance of order was only one duty, and by no means the most important duty, of an official who was primarily a collector of revenue and, on occasion, a judge or magistrate in petty causes; as police-officer he might call on the townspeople for help when necessary, and could employ them in rotation as watchmen to apprehend all suspicious characters abroad after 9 o'clock; he was also expected to see that people kept the streets clean and did not accumulate rubbish before their houses.² The suspicious characters, when apprehended, were sent before "a sort of Sheriff, who was responsible for all Prisoners in the jail, and had charge of the execution of sentenced Criminals".³ This man was euphemistically styled the *Thamoo*, or officer of pleasantry; possibly because there might be a touch of humour in the sentences that he executed. But the humour was ferocious, redolent of boiling oil, and the execution prompt. Sometimes, not infrequently perhaps, the execution anticipated the trial, which saved everyone a lot of trouble. For instance, when, a few years after the British occupation, a man who committed dacoity in British territory escaped across the border, the Burmese authorities, in answer to a request for his extradition, thought it sufficient, or expedient, to send his head.⁴ There was a touch of humour even in the selection of an Executioner. "These men," we read, "were always some bad characters condemned for former crimes to act in this capacity"; hence, presumably, their name of *Thousa* or substitute.⁵ But it was no privilege for a convicted criminal to become an executioner; rather was it the most terrible of condemnations, for people in Burma still hold that cruelty is, above all

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- 1 Selected Letters, p. 27.
 - 2 Selected Letters pp. 11, 27.
 - 3 Selected Letters, p. 10.
 - 4 Selected Letters, p. 123.
 - 5 Selected Letters, p. 10.

THE FASHIONING OF LEVIATHAN

others, the crime for which "hell is enlarged", and, as one learns from pictures in the monasteries, a Burmese hell is no joke. Probably the manner of his executions was no joke for the subjects of his skill. Law, to the Burman, was not only majestic but terrific, and the executioner himself was marked and tattooed so as to give him a terrifying aspect. Some of these marks, however, would move a European to laughter rather than to fear, as for example, "a red ring round the eye representing a pair of spectacles."

During the preliminary months of military occupation there had been no attempt to carry on the Burmese system of Police and very little attention had been paid to providing an effective substitute.⁶ Both in Mergui and Tavoy the Officer Commanding had appointed a "*kutwal* or native police officer", and had left him, with the help of a few peons, "to enrich himself with every description of corruption and extortion." Outside the towns they had left the people to their own devices, and the people seem to have managed their affairs quite satisfactorily. For the prevention of crime the headman would rely on public opinion, which in any normal community is the strongest force making for the preservation of order. People do not abstain from theft because of the penalties attaching to it if detected, but because stealing is one of the things that "isn't done"; it does not occur to them to commit theft. Public opinion sufficed, then, to keep crime within reasonable limits.

Mr. Maingy, however, on his first arrival was shocked to find no definite police organisation, and one of his earliest acts was to draw up a batch of regulations for extending an efficient system of police over the whole of the newly acquired territories. Even the remuneration of the district headman had no logical basis; a capable man might be doing a lot of work for next to nothing, and a lazy and incompetent man might be well paid for doing nothing. The system was as illogical as the remuneration of squires in England; it may have been good enough for a corrupt and effete Oriental government, but Mr. Maingy was a new broom and he started to sweep clean. The first article of his regulations provided for the introduction of "gradationary control",⁷ which sounded well and for some years remained his panacea for all administrative defects. By gradationary control he meant that the headmen should be ranked in three grades on a fixed scale of pay corresponding to various degrees in the importance of their duties and position. On

⁶ Selected Letters, pp. 3, 37

⁷ Selected Letters, pp. 36, 47, 51, 54, 59; Summary, Letters Issued, 1825-26, No. 117; 1830-32, No. 174.

this system the headmen were to be primarily, if not solely, officers of police. It was not long, however, before we find the headmen again collecting revenue and deciding petty cases, much as they had done in Burmese times, and the scheme of gradationary control was formally abandoned. It is doubtful, in fact, how far it was ever effectually introduced. But Mr. Maingy in attempting to introduce it took the first step towards dissolving the most intimate of social bounds. The annexation, necessarily, broke down the central organisation; but the village and the family might have been left untouched as had been the usual practice during the previous revolutions of power in Burma. In Burmese times the Soogees or Heads of Districts were "hereditary and were never removed except on occasions of gross misconduct",⁸ but this scheme of gradationary control encroached on the village and sapped the foundations of society; when the village is broken down it is not long before the family dissolves. Mr. Maingy's scheme for gradationary control was soon abandoned, but he had set a fashion which lasted and it became a practice to treat these district headmen, later known as *taik-thugyis*, not as local representatives but as government officials to be transferred from one charge to another as the convenience of administration might dictate. This encroachment on social organisation inevitably tended to weaken public opinion. Thus, the first measure for improving the apprehension of offenders was at the same time a cause of the multiplication of offences.

Although this system of gradationary control was only the first article in Mr. Maingy's Police Regulations, it was likewise the only article which he tried to introduce. In the earliest days the presence of the military was a sufficient safeguard against serious disorder, and by the time that his complete regulations had been drafted he had decided that their introduction could be postponed until the districts in the interior should be sufficiently populous to require a police establishment. That time never came, until long after the administration of Tenasserim had been brought in to uniformity with the administrative machinery of India. If Tenasserim had been left to itself the time might never have come at all. When the Government of Bengal began enquiring into the police arrangements of Tenasserim, Mr. Blundell, the administrative successor of Mr. Maingy, had some difficulty in explaining them, or rather in getting the Government to understand that there was nothing to explain. He warned them against supposing "the system of police in force throughout India to be

⁸ Selected Letters, p. 35.

THE FASHIONING OF LEVIATHAN

applicable to these countries". In Tenasserim there were "no such things as Thannahs with Darogahs and Burkundauses interspersed throughout the country, charged with maintaining peace and order within certain defined districts".⁹ Each village had its headman and to his villagers the maintenance of the police had always been entrusted. In the towns alone could anything in the nature of a police corps be found, and these men still, as at the first occupation by the British, were only employed to patrol the streets at night for security against the depredations of thieves and robbers. During the day they had no police duties "unless of course on matters in which they may have been concerned during the previous night"; ordinarily, they went home during the day, to sleep or to carry on some other occupation. They were not even paid by Government, but by the people themselves, who were assessed to a house-rate for this purpose. Whatever defects may be alleged against the personal rule of the earliest administrators, extravagance was not one of them.

However, the supervision of these watchmen seems to have weighed heavily on a district officer who was at the time chief magistrate, civil judge, collector of revenue and responsible for public works and general administration. It might be thought that anyone who could efficiently discharge these varied duties would have taken the management of the watchmen in his stride. Perhaps it was the last straw, anyhow, it was found burdensome, and there were recurrent attempts to vest the control of the police in a new appointment to be held by an officer distinct from, but subordinate to, the district officer. The first Superintendent of Police in Burma was a Mr. Gouger, a trader who had achieved distinction as a prisoner of the Burmese during the war.¹⁰ His misfortunes, and presumably a certain amount of influence, had stirred the commiseration of the Government of India and, he had been placed in charge of the police of Rangoon during the military occupation of that town. When Rangoon was restored to the Burmese on the conclusion of a definitive treaty of peace, he was appointed Master Attendant in charge of the port and Harbour at Moulmein. It was not entirely gratitude for past favours that induced him to accept the appointment of Superintendent of Police without any addition to his pay. As Master Attendant he had been forbidden to engage in trade, but on his appointment as policeman this valuable concession was granted to him; another commendable, or perhaps not wholly commendable, example of the regard for economy which then prevailed. The

⁹ Selected Letters, p. 167.

¹⁰ Selected Letters, pp. 67, 68; Summary, Letters Issued, 1827-31, No. 44.

order appointing him superintendent of police is still on record. Strangely enough, it contains nothing about his police duties but invests him with petty criminal and civil powers. Mr. Maingy had been distressed at the illogical character of the Burmese administration, he had been unable to comprehend it; but an intelligent Burman enquiring into the new arrangements might have found it difficult to perceive the logic of selecting a trader, masquerading as a marine officer, to be a policeman, giving him judicial powers to carry out a policeman's duty, and allowing him, in lieu of pay the perquisite of trading. A few months later we find him, no longer merely Superintendent of Police, but "in civil charge of Amherst Town". The office of Police Superintendent seems to have lapsed; but before long it was revived for a military officer, who was the first official to draw pay as Superintendent of Police.¹¹ His duties resembled those of Mr Gouger in being primarily magisterial and judicial and, also like his predecessor, before long he became a general assistant to the district officer in all branches of the administration.

There is no further reference to the superintendence of police until ten years later, when an attempt was being made to raise a local regiment. It was then suggested, as an argument in favour of economy, that the Officer Commanding and the Adjutant, in addition to the military duties should be appointed Superintendent and Assistant Superintendent of Police.¹² The regiment was soon disbanded, and with that the proposal dropped. After twenty years of British rule the system of police was no more elaborate than when it had distressed Mr. Maingy on his first arrival. But it had ceased to distress him long before he left. In his last Report to the Government of India¹³ he informed them that the system of police had been found "equally well adapted for the prevention of crime and the apprehension of the criminal." And he was unable to suggest any alteration or improvement. The infrequency of crime was, in fact, "most remarkable and a source of undissembled pleasure" as he inferred, and he thought he had a right to do so, that "some improvement had taken place in the moral habits of the people".

The fact that no superintendent of police was appointed must not be taken to imply a total lack of any superior officials of police. Between the Burman village officer and the European district officer there were "Tseetkays or General Head Natives", who alone survived to represent the cumbrous Burmese Bench of Magistrates. In Burmese

11. Selected Letters, pp. 79, 81.

12. Summary, Letters Issued, 1838-39, No. 154.

13. Selected Letters, p. 107.

THE FASHIONING OF LEVIATHAN

times these Tseetskays had been primarily police officers, but as magistrates they also tried the cases which as police they brought to justice. Mr. Maingy had taken away their magisterial powers and left them "mere Police Officers without any power of decision or punishment in the cases brought before them."¹⁴ Their functions were "to prepare such cases for the cognizance of the European officers, issue orders for the apprehension of offenders and have a general superintendence over all the other native officers of the province in all matters connected with police." Intermediate between these and the village officers were some half dozen "District Head Natives" in each Province, who appear to have been the product of Mr. Maingy's experiment in "gradationary control". Ultimately these Tseetskays followed the same course of evolution as the earliest European Superintendents of Police. In 1834 the Government of India contemplated a general advance in what was then known as "the system of Native Agency" or, in more modern terminology, in the policy of associating the people with the administration; and they enquired into the possibility of applying this policy in Tenasserim. So far little had been done. Mr. Maingy in his first report noticed that during the military occupation "a certain degree of prejudice had existed, and perhaps very justly", against employing members of the former Government. But the same feeling of apprehension did not exist with him and, although fully aware that precautions were necessary, it appeared to him injudicious to bar the natives entirely from government employ. Difficulties arose in the application of this policy; for it was found that the members of the late Government had such unbounded influence over the people that to restore them would greatly diminish the confidence felt in the new English rulers. Nor, at first, were they anxious to be restored, and not until over a year later could he report that "many of the most respectable inhabitants were disposed to accept employment under the British Government."¹⁵ Up to the end of his time Mr. Maingy had felt unable to place them in any position of trust, and his successor, Mr. Blundell, when consulted on this point by the Government of India, entertained serious misgivings. It would, of course, be possible to give the Tseetskays magisterial powers, but they were unlikely to exercise them to the best advantage.¹⁶ He was certain that "the feelings of the people generally were adverse to seeing Judges in the Courts selected from themselves . . (as) their thoughts would

14 Selected Letters, pp. 107, 126.

15 Selected Letters, p. 45.

16 Selected Letters, pp. 127, 248.

immediately revert to former days when bribery and corruption held unlimited sway". The officers would have to be given instructions in their duties and their proceedings strictly scrutinised. Altogether, in fact, he disapproved. But if the Government of India insisted, he hoped that the men he recommended would, if suitably handled, "rise in the estimation of themselves and others and discharge their duties with confidence." Here Mr. Blundell, with rather more acuteness than his wont, stumbled on the central difficulty which for many years to come handicapped Burmans placed in positions of responsibility; they had to "discharge their duties with confidence", knowing at the same time that they were distrusted. To some extent all the servants of Leviathan were in like case. Leviathan works by law — by rule and regulation; and thinks, by multiplying rules to make sure that his ministers discharge their duties. But the dishonest can easily evade the rules, and every evasion leads to new rules, until the multiplicity of rules, by making literal honesty impossible, puts a premium on evasion, and gives an excuse for dishonesty. But that was not foreseen, perhaps it could not have been foreseen by Mr. Blundell and the Government of India. The proposal was carried into effect and the first Burman entrusted with magisterial powers was Tseetkay MOUNG Taulay, whose name survives in a well known Rangoon street, and many of whose descendants have risen to the highest posts which was open to Burman officers before the recent political reforms. From then onwards the name of Tseetkay has been confined to superior magisterial and judicial officers, but the name, which implies quasi-military responsibilities, still bears witness to the origin of the title.

Thus, after twenty years of British rule, although the subordinate police were still organised on the primitive lines that had sufficed under the Burmese Government, the superior officers of police had lost their police functions and developed into magistrates and judges. Nevertheless, taking the Province as a whole, the Commissioner was still able to report every six months that crime was negligible. But there was one exception to the general tranquillity. From the beginning there had been trouble in Moulmein. It lay on the frontier opposite the rival port of Martaban and we read numerous complaints that bad characters would cross the river, commit their depredations and return safely under cover of the night and the tacit protection of the Burmese authorities. For some years it was necessary to maintain a patrol of four gun-boats on the river. A small punitive expedition against "the Chief and Banditti of Martaban" enabled Mr. Mainy to reduce the number of gun-boats from four to two,¹⁷ and was the first step towards

¹⁷ *Selected Letters*, p. 81.

THE FASHIONING OF LEVIATHAN

building up the friendly relations that endured for many years. No sooner, however, had trouble from this source been quieted than difficulties of quite a different character arose. So early as 1831 we are told that crime was increasing owing to the recent arrival of large parties of Chinese.¹⁸ Their "powerful secret associations" protected the malefactors and at length when some were brought to punishment this had the unfortunate effect of reducing the revenue, because the whole Chinese community took umbrage and boycotted the excise auctions. The Chinese were far less numerous than immigrants from India. The throwing open of the teak forests in 1829 attracted European merchants. Moulmein, formerly a small fishing village, grew rapidly into a town. There was an increasing demand for labour. Burmans wanted high wages and had never been broken in to work for an employer, and the Europeans found it altogether cheaper and more satisfactory to employ Indians. We read that "since the end of 1838 an immense number of natives from the Madras Coast have come here either as military followers or private adventurers."¹⁹ The mixture of races and the introduction of alien customs and ideas weakened the social bonds that among a homogeneous people are the most effective factor in preventing crime, and at the same time the increase of wealth offered new temptations to those who wished to get rich quickly. From then onwards every periodical report notices the growth of crime in Moulmein. When the Commissioner first had to explain this he thought that it might "fairly be accounted for" by the influx of Indians; "the motley assemblage of people from all parts of the world required much vigilance on the part of the officer in charge of the police". After another six months a further slight increase was "no more than commensurate with the constant influx of temporary settlers from various parts of India". And again, a little later, the police work was "yearly becoming more onerous owing to the large accession of population from India, frequently of a low disreputable class".²⁰ The rest of the Province, however, being "very stationary in population, trade, etc, and the people of quiet disposition" continued to be remarkably free from crime.²¹

The rule of Leviathan is, as we have said, the rule of law. He expects his subjects to be normal men acting in a normal manner. Unfortunately he has to deal with individuals, and these, being human, are none of them quite normal; a normal man would be a monster. In

18 Summary, Letters Issued, 1830-32, No. 173.

19 Selected Letters, p. 188.

20 Selected Letters, pp. 188, 191, 200.

21 Selected Letters, pp. 177, 200.

35267

fact, under Leviathan, conditions are abnormal, and, in proportion as conditions are abnormal, men tend to act abnormally. Normally men do not commit theft because it does not occur to them to do so; they are fast bound to honesty by the ties of social life. When, under Leviathan, the ties of social life are loosened and men become, as it were, free among the dead, one thing is as reasonable as another; theft becomes as reasonable as honesty, provided it is not discovered. Leviathan may be omnipresent and all powerful, but he does not, like your neighbour, live next door, or, like your conscience, nearer still. That is the explanation of the paradox that Leviathan is least efficient where he is most effective; he can not maintain law and order so well as a society which maintains order without law, and, as we have seen, offences multiplied in Moulmein where Leviathan was very active in attempting to maintain order among a motley population, while the quiet stationary provinces with less regulation but a stronger social life continued free from crime.

CHAPTER VI.

ROADS AND BUILDINGS.

When Mr. Maingy first arrived in Mergui he met an officer, Captain Briggs of the Quarter-Master-General's Department, who had achieved the difficult feat of marching to Mergui from the army headquarters at Tavoy, a distance of nearly 200 miles. Deputed to make a preliminary survey of the newly occupied territory, he had found the whole surface of the country, from the sea to the Siamese border, an almost uninterrupted stretch of jungle and forest, "the very few spots of cultivated and cleared ground in the vicinity of the villages being too insignificant to mitigate from this general description".¹ The whole route was cut at frequent intervals by rivers and watercourses, and the easiest way from one village to the next was to go down stream to the sea and up again. The writs of Leviathan cannot run if there are no roads for them to run along, and the wealth on which he depends for sustenance cannot be used if it is inaccessible. Mr. Maingy recognised "as an object of primary importance to all settlements the facilitating and extending of communications." He noted the report of Captain Briggs, and decided, that, in the stock official formula, the matter should engage his very early consideration.

¹ Selected Letters, p. 17, 105. Summary, Letters Issued, 1825-26, No. 67.

THE FASHIONING OF LEVIATHAN

But there was another matter that required still earlier consideration; the problem of providing accommodation for himself and his assistants, and for the despatch of official business. At a pinch they could manage, as the soldiers had been managing, with buildings of timber and bamboo and leaves, such as Burmans of the better class inhabited. For the time being they had to manage with this material, as nothing else could be procured, and Mr. Maingy set himself, as soon as might be, to construct buildings for the civil officers, and courts and jails. They were cheap to build, and if they were rather costly in repairs, that question could be postponed until repairs were needed. For ten years no bricks were used, and meanwhile everyone, from Commissioner to convict, lived in buildings not much better than log-cabins with thatched roofs.

The housing problem was far easier to solve than the problem of communications. Much more labour is required for making roads than for building houses, and the main obstacle to the improvement of communications was the inadequate supply of labour. In Burmese times "the services of every male adult were at the services of the State, and formed in fact part of its legitimate resources. Men of all classes, even the Headmen, were called upon to afford their labour towards the execution of any public work... These compulsory labourers received no remuneration from Government excepting sometimes, although rarely, a small portion of grain. The men worked for the State and the women for the men whom they supported."² But the system had been less oppressive than it sounds. Since the beginning of time travellers in Burma have gone by water; a man from the uplands is proverbially a fool. Only an army would ever need roads and the roads for an army could be constructed by the soldiers, helped, of course, by pressed labour from each village on their way. In that manner the road had been constructed when Alompra marched down the peninsula to invade Siam. If the Burmese Government wanted boats the people had had to build them at half the customary price.³ But neither roads nor boats were wanted very often. The Burmese rulers had no passion for improvement, and such works as were absolutely necessary had been undertaken with what Mr. Maingy termed "compulsive labour". Mr. Maingy wanted many improvements, and had a prejudice against compulsive labour. This prejudice had not been shared by the Officer Commanding during the military occupation. Mr. Maingy was distressed to find that he had even extended the Burman system of compulsive

2 Selected Letters, p. 62.

3 Selected Letters, pp. 12, 15, 62

labour by employing it for the convenience of private individuals as well as for public works. Still, he had mitigated its rigour by fixing a scale of payment at the rate of "six tin pice", about two annas a day. This rate Mr. Maingy thought excessive. He expected it to attract a considerable influx of labour from the Burmese territory as well as from China and Siam. But his hopes were disappointed, and after a few months he had to report that despite his "most anxious wish to abolish the system of compulsive labour" it continued to be in most cases unavoidable.⁴ He was even compelled to raise the rate of wages for forced labour from 6 tin pice a day to 11 and then to 15. At the same time he endeavoured to improve the terms on which forced labour was employed. He would only sanction its use on account of Government; he took care not to call up cultivators at seed time or harvest, exempted from the liability all those who were unused to common labour, and directed that those liable should be called up in rotation. For any large work the various districts or circles were called on to supply fixed numbers of men who were changed every week or ten days.

With these arrangements he was "happy to state that the reluctance formerly evinced on the part of the labourers was almost entirely removed". But, like many officers since his time, he was inclined to optimism when reviewing his activities, and still more so when explaining his intentions. Something must have gone wrong in the execution of his orders, for we read of "a serious scarcity in one district being attributed in part to the interference with cultivation by "the number of men constantly employed on public works." And despite all his precautions the need for public roads and public buildings obliged him to compel each individual to labour for about two months in the year. He felt bound to report that these forced services were most onerous to the people. At the same time the abolition of the system was impracticable. Private individuals often had to pay as much as two rupees a day for labour, and might be unable to hire men even at that rate. If Government were to abstain from requisitioning labour the cost of administration would be enhanced, and public works might occasionally come to a standstill through the unwillingness of people to work on any terms. "A very trifling possession sufficed for their subsistence, until that was exhausted, and necessity drove them to seek for more, all labour would be avoided and declined." And Government would not even obtain credit for abolishing compulsive labour, as the people would not understand their motives.

⁴ Selected Letters, pp. 44, 63, 65.

THE FASHIONING OF LEVIATHAN

But it was not long before he noticed an improvement in the Burman attitude towards material prosperity, when some of them took up contracts for the supply of sapan wood. He commented on this "as the first decided instance of the Burmese shaking off that indifference they have hitherto evinced about money," and he congratulated the Burman and himself that the "prospect and desire of gain were beginning to be understood".⁵ Some Burmans were contracting to bring in materials for housebuilding and timber for the Gun Boats. Already, when Mr. Maingy had hardly been a year in Burma, he was able to report that "the tranquillity and confidence inspired by two years' residence under British protection (including one year of military occupation) have very materially altered the state of things; the labourer now sure of reaping the profits of his work, estimates it at what it will produce . . . and I doubt not that, as the value of money and desire of gain begin to be appreciated, the daily hire of services will soon become with a certain class the regular mode of subsistence". But this change in their attitude cut both ways. Formerly the people had been contented with the wage of 6 tin pice a day fixed by the military, but, as we have seen, the rate had to be raised successively to 11 and 15 tin pice a day, and before long workmen were demanding 7 or 8 annas. Having inspired the desire of gain, Mr. Maingy looked to immigration to keep it within bounds by increasing the supply of labour. In this hope he was encouraged by the influx of immigrants into the town of Moulmein, the seat of government, which made it possible to abandon compulsive labour there.⁶ He trusted that by raising the assessment on land, the revenue produced would suffice to pay the market rate for labour and thus obviate the necessity for compulsion "except in cases of urgent and pressing necessity and when a very high and extravagant price should not obtain labourers for public works". The assessment was enhanced and the revenue was nearly doubled, but it was still found insufficient to pay labour for the construction of roads. The fact is that there were not enough people in the country to build all the roads projected by Mr. Maingy and at the same time carry on the cultivation of the land. Compulsive labour afforded no solution, immigrants did not come in freely enough, and the Commissioner was at length convinced that he must have recourse to convicts imported from Bengal. After several representations he converted the Government of India to his view, with the results that we have already examined. We have seen how convicts were imported and, as time went on, in gradually increasing

5 Selected Letters, pp. 43, 44, 47.

6 Selected Letters, p. 63.

numbers, so that more and more expenditure had to be incurred on jails; how, sometimes, when the convicts were thugs or women they might be more trouble than they were worth; how the expenditure on securing and maintaining them was largely reimbursed by hiring them out to private individuals, and how the number of escapes led to this practice being abandoned. But in promoting the object of their importation, the execution of public works for Government, they achieved very little. We will examine that later, and turn meanwhile to study a third expedient for increasing the supply of labour, the attraction of immigrants.⁷

In his early, most optimistic days, Mr. Maingy anticipated that the establishment of British rule would in itself suffice to attract an influx of foreign labour, especially from across the Burmese frontier, where the people would be able to contrast their native poverty and the arbitrary despotism of the Government of Ava with the wealth and security which he hoped to confer on the people of Tenasserim. But they did not come, not even the down-trodden Talaings whom the Burmans had subjugated sixty years before. Either the prospects were not sufficiently attractive, or the embargo on organization imposed by the Burmese Government was more effective than might have been expected. Mr. Maingy inclined to the latter view, especially because a thin but unbroken stream of fugitives managed to evade the order prohibiting emigration from Burma. The arrival of these fugitives was not infrequently a cause of friction between the two governments, and when a party of Burmans escaped from Rangoon on board a steam-boat of the East India Company it was thought necessary to censure the Syrang, the Indian master of the vessel. But the Burmans were not sent back.

These migrations were not wholly in one direction.⁸ A certain Private Doodle has his brief moment on the stage, or more accurately speaking, behind the scenes. He disappeared, silently and surreptitiously, across the Burmese frontier. Nothing is known about him but his name, and the fact that he deserted from the army and crossed the river into Burma. A strange name, and the shadow of as strange a figure. What led him to it, what did he look for and what happened to him? Was a smiling Burmese maiden, olive-hued with flowers in her hair, the syren that attracted him, or was he driven out by the brutality of his companions, or by the oppression of some officer? These are questions that will ever be insoluble; for when the military authorities asked the Commissioner

⁷ Selected Letters, pp. 41, 74; Summary Letters Issued, 1832-34, No. 176; Summary, Letters Issued, 1831-35, No. 164; Selected Letters, p. 41.

THE FASHIONING OF LEVIATHAN

to urge the Governor of Martaban to send him back he regretfully declined, as this would enable the Burmese Government to "demand the restoration of Burmese and Talien fugitives who are constantly obtaining protection in these Provinces". But the embargo on immigration from Burma can not have been the sole reason for the lack of immigrants, as we find that some of those who escaped with the intention of settling in Tenasserim soon tired of British rule and returned to Burma after a few months.

Apparently the only migration on a large scale during the earliest years was that led by Maung Sat "a Talyne Chief long known by the appellation of the Syriam Rajah". This man had been Governor of Syriam under the Burman rule, but, as a Talaing, had never acquiesced in the subjugation of his country by the Burmans. When the English invaded Burma he hoped that the time had come to re-assert the independence of the Talaings. But the conclusion of peace enabled the Burmans to turn their attention to Maung Sat. They reduced Syriam, and he was fortunate enough to make his escape, with ten thousand followers, to Moulmein, where the English gave him a grant of land.⁹

Before Mr. Maingy came to Burma he had been serving in Penang, and, from his knowledge of the Chinese there, expected that many would come to Burma as traders and tin miners. His first experiment in importing Chinese to work the tin mines was unfortunate.¹⁰ A "very respectable Chinaman", whom Mr. Maingy had been acquainted with in Penang, wrote offering to bring over a hundred and fifty Chinamen. His terms were accepted and an advance given him to provide tools, stores and passage money. But the "very respectable Chinaman" must have been less respectable than Mr. Maingy thought, for after five years the loan had to be written off as irrecoverable. To the end of his time Mr. Maingy still hankered after Chinese recruits for his dominions, and in his last report before leaving the country recommended the encouragement of immigration from China "by requesting the Honourable Company's super-cargoes at Canton to take steps for quietly informing the Chinese of the Salubrious air and fertile soil of these Provinces".

By this time he had almost ceased to hope for any wholesale immigration from Burma or Siam, "owing to the very rigid police methods adopted by both Governments." Not a month passed, however, without fugitives contriving to elude the vigilance of their own officials, and in the event of a revolution in either country, he had every reason to expect an immense accession of population.

9 Selected Letters, p. 60.

10 Selected Letters, pp. 38, 102, Summary, Letters Issued, 1830-32, No. 196.

Meanwhile he thought that something might be done to encourage immigration from Malaya.¹¹ This had long been a favourite project. The inhabitants of Tenasserim had been disarmed and were an easy prey to the "piratical and other prowls (carrying) . . . Marauders who seldom or never remain on shore longer than to perpetrate their object of plunder and carrying off the inhabitants". Mr. Maingy observed with interest "the dread which all Burmans and Talaings entertained of Malays". In one letter he had suggested turning it to political account by effecting a settlement of 200 Malays, "which would render it possible to reduce our military establishment." He returned to the same theme in his latest report. The ex King of Quedah had been granted an allowance of 10,000 dollars, and if, by a grant of land to him and his followers on favourable terms, he could be induced to remove from Malacca to Tavoy, not only would the general public benefit by the ex King spending a large portion of his stipend in Burma, but the intermixture of Malays and Burmans would lead to some political advantage. Mr. Maingy discussed the proposal with the ex-King's son, whom he happened to meet on a visit to Calcutta, but nothing came of it, and no more is heard of projects for encouraging immigration from Malaya.

All these schemes for the encouragement of immigration came to nothing. The bright hopes of a rapid development of the resources of the country which had filled his earlier reports gradually faded as age and the climate told on Mr. Maingy's vigour. His successor, Mr. Blundell, who from the beginning had shared Mr. Maingy's hopes and disappointments, came before long to acquiesce in the description of Mergui and Tavoy as quiet stationary provinces where the sole task of government was to carry on without throwing more good money after bad than could be helped. In Moulmein, the headquarters of government, it was a very different matter. Here immigration needed no encouragement; many Chinese and still more Indians, both traders and coolies, were attracted by its growing wealth and arrived in continually increasing numbers until "the motley population of Moulmein" became a recurrent catchword in annual reports. Before many years indeed the large and continued importation of coolies assumed features that were doubtful if not undesirable. Mr. Blundell felt it his duty to represent the matter to the Government of Bengal.¹² The men, he believed, came of their own accord in search of work, but some of the immigrants were females. "It might be wrong perhaps to apply the word prostitute

¹¹ Selected Letters, pp. 14, 50, 94, 102, 192.

¹² Selected Letters, p. 191; Summary, Letters Received, 1841, No. 102.

THE FASHIONING OF LEVIATHAN

indiscriminately to all of them", but they certainly came "to secure a temporary establishment." On the arrival of a boat the Madras residents of Moulmein visited it, each man selected a woman, made an agreement for supporting her, and paid the Commander for her passage. The whole transaction "though perhaps consonant with Native ideas" was unpleasantly reminiscent of the slave trade; it had at least an appearance of illegality; doubts might be entertained about the freedom of action of the woman, and probably there were "some instances of actual forcible sale of the woman's person". In view of the demand for population, free and voluntary immigration was a circumstance to be rejoiced at, but the whole system appeared liable to abuse, especially as regards the women, and he recommended that some enquiry should be made in India. The question was referred to the authorities in Madras, who replied rather unsympathetically that the emigrants were washermen, tailors, barbers, weavers, etc., who left voluntarily, and no restrictions on emigration were required. They said nothing about the women, but Mr. Blundell had made his protest and was not inclined to press the matter further. There it rested, but the incident suggests the proportions which by this time Indian immigration had attained.

In Mr. Maingy's zeal for the improvement of communications he had raised the rate of wages, employed compulsive labour, imported convicts and endeavoured to attract immigrants; but he found that very little could be done, and, before leaving the country, he seems to have felt that very little need be done.¹³ In the whole of Tenasserim outside the towns only one road had been constructed; a short length of about fifty miles running from Amherst, the first seat of government, to Moulmein, which had ultimately been adopted for the headquarters. This followed the line of the old military road of Alompra in his invasion of Siam. At one time it is reported that the whole road had been re-opened, and the convicts imported from Bengal were supposed to keep it in repair. But they do not seem to have done much. Nearly ten years after Mr. Maingy left the country his successor bluntly reported that "there are no roads, canals, tanks or other works in the interior". From the same report we learn that "the sole establishment in the Department of Public Works is one Native Superintendent on a salary of 20 Rupees a month". Economy after all is one aspect of efficiency, and it would be difficult to find a more economical administration than that of Burma before the Government of India took a hand in improving the machinery. The authorities in India had perhaps some grounds for

13 Selected Letters, pp. 105, 195; Summary, Letters Issued, 1827-31, No. 60

holding that economy was the only claim of the local government to be thought efficient, but, if the shades of Mr. Maingy and Mr. Blundell had visited the scenes of their labours after another fifty years, they would have found the internal communications in just the same state as they had left them. It was not indeed until nearly a hundred years later when, during the great war, walfrom, known to the local Burmans as "tin-refuse", became of military importance, that any great improvement in communication by land was effected. Even to the present day, the re-opening of Alompra's road, Mr. Maingy's earliest and favourite project, flits uncertainly in the background at successive revisions of various road schemes, but the road itself is still undistinguishable from jungle almost throughout its length.

In fact, as was reported more than once, "the whole duties of the interior were conducted by means of water communication"; the people themselves would never walk where a canoe would take them, and never had occasion to go anywhere except by water. There was no communication between one Province and the next except by water. This had its inconveniences. As we have seen, the Hired Brig *Minerva* was wrecked on Mr. Maingy's first attempt to reach Mergui, and on another occasion he took 16 days to get from one Province to the next.¹⁴ By repeatedly insisting on the delays and difficulties inevitable with sailing vessels, Mr. Maingy at length succeeded in obtaining—though not for long—a small steam-boat. But even after that, communications were still so irregular as often to impede the movements of troops. At that time there was no mail service even between Moulmein and Calcutta.¹⁵ Officers transferred to Madras might be obliged to travel by way of Calcutta. On one occasion, when hostilities with Ava seemed unavoidable, special arrangements had to be made for enabling the authorities in India to keep in touch with the Commissioner. It would seem intolerable at the present time to be dependent on the chance sailing of merchant vessels for the conveyance of freight and letters, but in those days the people of Moulmein seem to have been quite satisfied with the facilities.¹⁶ When the Commissioner invited them to subscribe "for the purpose of promoting a Steam Communication with England", he could only raise Rs. £36-9-10 $\frac{1}{2}$ and, in a supplementary list, Rs. 452-7-1 $\frac{1}{4}$. Contributions on this scale would not materially advance the project, and the odd fractions of an anna suggest a rather contemptuous attitude towards the whole scheme. It may have been regarded as Utopian. Possibly the

14 Selected Letters, 76, 202, Summary, Letters Issued, 1834-32, No. 151.

15 Selected Letters, pp. 161, 165, 269; Summary, Letters Issued, 1834-35, No. 37.

16 Summary, Letters Issued, 1832-34, Nos. 156, 157.

THE FASHIONING OF LEVIATHAN

trading community of Moulmein, who were only one remove from the interlopers and private adventurers of a former generation, relished the excitements and hazards that still varied the monotony of a sea voyage.¹⁷ There is more than one reference in these records to piracy; on one ship there was a mutiny and the crew of another ship was massacred in the Andamans for interfering with the female inhabitants. More probably, however, many of the leading merchants had a financial interest in the sailing vessels, and were in no hurry to welcome the competition of steamers.

There was no provision even for private and business letters from India and England. For many years there was no post office of any kind.¹⁸ The duties of postmaster were performed in Moulmein by the Harbour Master Attendant, and elsewhere by the district officer as part of his general administration. It must have been risky sending presents of game, for we find the Commissioner enquiring why a present of snipe took a week between Amherst and Moulmein, a distance of 50 miles. No cost was incurred by Government for clerks; but a small fee was charged to the recipients of letters, and the amount due on them was collected on monthly bills. A few years later the Government of India proposed that some new Post Office Rules should be made applicable to Tenasserim. Under this arrangement, although no better facilities would be accorded, the recipients of letters were to pay 8 annas on each letter in addition to the postage incurred in England, "without its having been conveyed a mile by the Post Office Department". The mercantile community thought the charge excessive, and the Commissioner, Mr. Blundell, agreed. "Situated as we are," he wrote, "without Dak communication with any part of India and dependent for our letters on the chance sailing of Merchant Vessels, it may perhaps be thought hard to make us pay the same for our letters as is done at the several Presidencies where the benefits of large Establishments is enjoyed". In his opinion a charge of two annas for each letter sent, and one for each letter received, would defray all expenses. For some time Mr. Blundell had not been very happy in his relations either with the Government of India or with the local mercantile community, and perhaps he was not very sorry to bid for the support of one against the other. Also, he was not very wise. He saw a chance to score a point. The new orders required that letters should be paid for on receipt. Hitherto it had been the custom to collect postage dues by monthly bills, and he interpreted the new orders as an excuse for not sending in the bills.

17 Selected Letters, p. 38; Summary, Letters Issued, 1839-41, No. 289.

18 Summary, Letters Issued, 1835-41, Nos. 80, 87; 1837-38, Nos. 141, 218.

For a short time the residents of Tenasserim carried on their correspondence free of charge. But only for a short time. The Government of India admitted the force of the Commissioner's argument that, as no staff was entertained nor any expenditure incurred for postal services, no charge ought to be made for postage, so they directed the entertainment of an (apparently superfluous) establishment of one clerk and two postmen. Thus the cheap and probably inefficient local organisation was incorporated in the central administrative machinery. It became more expensive to write letters or to receive them, but it does not appear that there was any immediate improvement in the service.

CHAPTER VII.

MATERIAL PROGRESS.

Trade, they say, follows the flag. And when the British flag was hoisted over Moulmein a goodly number of merchants settled there expecting trade to follow them. But it did not follow fast enough to please them. After more than a dozen years of British occupation they were still waiting for it. The Commissioner, in their opinion, gave them little help and less sympathy. Finally they appealed for redress to the Government of India, representing, at the end of a long recital of their grievances, that they were "unaware of any merchant who has as yet been able to engage in their trade without loss".¹

Although they put the blame on Government, and may have had some grounds for complaint against Mr. Blundell, they were certainly doing less than justice to his predecessor. On his first arrival in Mergui Mr. Maingy had been enthusiastic over the commercial advantages of Tenasserim. "Of the resources of the coast," he wrote, "there can be no question. Its central position both with regard to the Burman and Siamese territories point it out in every respect as a depot for Commercial Emporium, and with an increased population, combined with the industry and enterprise of British and Chinese merchants, it may reasonably be expected that the ancient commerce formerly carried on with Siam will again be revived and by this means the manufactures of England and British India be widely dispersed".² Then follows a long, and, as the event proved, too optimistic description of the local products. He had to admit that in the past the crop of rice had only just been large enough for local needs, had, in fact, under the incompetent

¹ Selected Letters, p. 268.

² Selected Letters, p. 4.

THE FASHIONING OF LEVIATHAN

and corrupt native rule, sometimes been insufficient; but it is clear that he intended to change all that. The soil was fertile enough; witness his luscious catalogue of the local fruits. The plantains were fine, the durians abundant, and there were pineapple, mangosteen, jack, jambus, mango, pokaw (? papaya), guava, oranges and cashew-nut. The sugar cane was strong and healthy, the bamboo found everywhere, and rattans were plentiful. A bare enumeration of the produce of the hills and islands conjured up visions of tropical luxury. There were ivory, bees-wax, cardamoms and cossumba; pearls and tortoise shell and ambergrease; edible birds'-nests, beche-de-mer and balachong; dammer and wood oil in greatest abundance, sapan wood yielding a red dye, and scented woods such as agar or agila. There is a poem in the string of names. Less romantic, but of great value commercially, was the timber; trees could be found "in endless variety of almost every conceivable description, some of them admirably calculated for ship building and not liable to be destroyed by worms".³ He entertained still greater hopes of the mineral produce. The tin alone had been pronounced by an expert "equal to the best Cornish Tin I ever tried".⁴

In those days all the leading men in India were disciples of Adam Smith. Sir James Mackenzie was instructing the embryo civilian in political economy at Haileybury. Elphinstone in Bombay was discussing with Munro in Madras the practical application of the doctrine of laissez faire. They were all 'political economists', as the phrase went. The machinery of Leviathan they held, would automatically grind out wealth. In theory Mr. Maingy was as good an economist as any of them. He disbelieved on principle in interfering with the course of trade, and it seemed to him that he had before his eyes in the undeveloped state of the country the result of vexatious interference by the Burmese Government. He had promised in his Proclamation that "the most free and unrestricted internal and external commerce will be established and promoted".⁵ The duties collected under the Burmese Government had been as follows.

Imports.—On all articles not from a Burmah Port, 5 per cent duties and 2½ per cent fees. This was generally the rate, but under the last Miew-woon (Governor) it was reduced to 2½ duties and 1½ fees, which fees were divided, according to some, between the Miew-woon and his colleagues, and, according to others, by the Collector and his Department. It was also necessary to make presents to all the great men according to the ability of the Importer.

3. Selected Letters, p. 8.

4. Summary, Letters Received, 1830-31, p. 231.

5. Selected Letters, p. 16.

"The regular duty on exports was 6 per cent, but I was told that this was never levied and that it was generally reduced to 1½ per cent, and often indeed never levied at all. One of my informers computed the revenue derived from Sea Customs to amount to nearly 6,000 Ticals".⁶

Mr. Maingy framed a Regulation for the Shabunder (Port Officer), instructing him "to be particularly careful in keeping a register of all imports and exports, whether on square rigged Vessels or Prahus". But, during the military occupation, there had been little or no trade, and Mr. Maingy decided to take "no steps towards obtaining a revenue from it until the confidence of the natives in our Government is firmly established, as the alarm it would have occasioned would have tended still more to reduce the trade, and the amount, moreover, would have been extremely trifling". He anticipated likewise that "this temporary indulgence would bring in numerous settlers from the adjoining Provinces and especially from Rangoon, and occasion the population of this Province being increased to many thousands in the course of a few months". In this hope he was deceived, but he persisted in the same policy. In his last Report before retiring he writes "no Customs have hitherto been levied on the trade of these provinces and I am decidedly of opinion that none should be levied for many years to come". His view prevailed, and although the new territory was never profitable, and the local administration was often hard put to it for funds, no customs duties were levied throughout the period with which these records deal.

In this respect Mr. Maingy acted up to his principles as an economist. But the process of developing a country by leaving it alone demands a long time and infinite patience. His first task, after maintaining law and order, was to make the country pay its way, and the development of its natural resources was therefore essential. In the absence of private initiative Mr. Maingy had to take action, or else leave the country undeveloped. It did not worry the Burman that the country should remain undeveloped; he seemed to have no desire for gain at all. The Chinese and European merchants were keen enough on profits, but not very keen on taking risks. As a practical statesman, then, Mr. Maingy had to temper contemporary economic theories with common sense. He soon learned also that, when trade is hampered by vexatious restrictions, it is easier to remove the restrictions than the vexation; that, after all, something might be urged in favour of restrictions on trade.⁷ Thus, the Burmese Government had placed an embargo on the export of rice, and this was one of the vexatious

6. Selected Letters, pp. 13, 28, 103.

7. Selected Letters, pp. 48, 49.

THE FASHIONING OF LEVIATHAN

restrictions which Mr. Maingy, as an exponent of enlightened economic theory, abolished. But the cultivators "received such a spur from the large and unknown profits of a free foreign export trade that the love of gain was in danger of running away with a due regard to their own wants". They exported not only their surplus but their seed grain and their food. A scarcity of grain was threatened. The people might have starved or, worse still, the troops might have gone short of food. A starving people meant discontent and possibly rebellion; hungry troops would be disaffected and possibly mutinous. In newly occupied territory, with the machinery of civil life hardly yet in working order, no prudent governor can disregard possible factors of unrest. Mr. Maingy therefore threw his economic principles overboard, and prohibited the export of rice. But he was evidently uneasy about the view that might be taken by superior authorities, equally sound in economic theory and less well acquainted with the facts. It seems more like design than accident, then, that he did not report the embargo until it had been removed. When at length he submitted his report, he took care to explain that "in the balance of good and evil he preferred a deviation from Political Maxim to the misery of a starving population which seemed evident in the rage for exportation". It is significant, too, that he omitted to mention a still further deviation from Political Maxim which he encouraged in one of his assistants, who went so far as to sell to the people the rice which he had purchased from a passing schooner.⁸ Not only did Mr. Maingy approve this, but he directed that the assistant should be supplied with rice in quantity sufficient to enable him to regulate the market and prevent the price rising above fifty rupees a hundred baskets. But he did not report this to India. He also, as we have mentioned, approved the action of Captain Burney in commandeering a cargo of Government rice to relieve a local scarcity. This also he omitted to report, but was prepared "to acquiesce in any plan which you may suggest for accounting to Government for the disposal of this rice". But Mr. Maingy was not immune from the official weakness of being readier to condone than to sanction a breach of regulations. When an officer at an out-station asked permission to buy rice, instead of buying it first and reporting his action afterwards, Mr. Maingy replied, "The price of grain has not yet attained that height to require the interference of Government, a measure which ought rarely to be resorted to excepting in cases which do not, I imagine, in the present instance exist to any extent deserving of notice,

8 Selected Letters, pp. 44, 48, 61, 64, 65; Summary, Letters Issued, 1825-26, No. 118; 1826-27, No. 103.

being of opinion that the greater portion of the grain has not changed owners but remains with the cultivators of the soil". Subsequently, however, the representations of the assistant proved to have been justified. By this time all the rice had left the country and Mr. Maingy had to ask the Government of India to ship rice from Calcutta to Moulmein, "unless the high price should induce the merchants of Calcutta to send it in any quantity".

The sudden awakening of the desire of gain that led the Burmans to export even the rice required for their own food did not stimulate them to new activities, and it was left for the Commissioner to take active steps for the development of other industries. His earliest attention was directed to the tin mines.⁹ Little had been done to exploit these mines under Burmese rule but Mr. Maingy attributed this to the attitude of the Burmese officials, whose sole interest in the mines lay in imposing numerous exactions on the miners. The annual yield had never exceeded 600 piculs, and the whole of this had been used for coining tin pice. (It is strange that although these local pice were still used and apparently still coined under Mr. Maingy's rule, nothing more has ever been heard of them. They seem to have been the only coins ever used under the Burman Kings outside Arakan until, many years later, Mindon Min coined silver rupees.¹⁰) Mr. Maingy proposed at first to establish a large party of Burmans "with an intelligent man as their superintendent" to work the mines on account of Government. Although he disbelieved in Government interference in industry, the Burmans "require some example of this kind". He hoped also to provide employment in the mines for a number of idle characters who had no means of livelihood. His intention was to purchase on behalf of the Government, at a fixed rate, every basket of ore won by the miners. But the idle characters showed no disposition to be reformed by working in the tin mines, even on the most liberal terms, and after a year's experience he decided that little could be expected from their exertions. He was disappointed likewise, as we have seen already, in his hopes of importing Chinese labour. None but poor and insolvent Chinamen came forward, and in his final report before making over charge he was constrained to admit that the tin mines had not proved so important and valuable as he had anticipated. He still looked to European skill and capital "to convert this article into one of our most valuable exports", but Europeans showed no greater inclination than Burmans or Chinamen to invest skill and capital in the mines. In 1837, after the departure of

⁹ Selected Letters, pp. 13, 25, 104; Summary, Letters Issued, 1837-38, p. 276.

¹⁰ Summary, Letters Issued, 1826-27, No. 53; 1832-34, Nos. 54, 58, 93, 112.

THE FASHIONING OF LEVIATHAN

Mr. Maingy, a German, Dr. Helfer, was appointed Provincial Naturalist to look after the mines and forests. Despite previous failures he was favourably impressed with the possibilities of tin; "a judicious expenditure of 20,000 or 30,000 rupees could not fail of yielding most valuable returns". He also found "one of the richest beds of iron ore that could possibly be desired, admirably situated in a country abounding with timber of which charcoal could be made." But not long afterwards Dr. Helfer met with "a melancholy fate" in the Andamans, where he was murdered by the natives. After that nothing more was heard of iron and little more of tin. For the next hundred years, the deposits in Mergui were left to be worked on primitive methods by a few Chinese.

Not tin alone, but all the natural resources catalogued with such fervour by Mr. Maingy, had falsified his hopes before he left. He was interested in shipbuilding, and on his first arrival expected great things of "the endless variety of timber." Within a year or so he was able to report the completion of a gun-boat in Tavoy. Shortly after assuming charge in Moulmein, he represented "the comparatively moderate charge for which Gun and River boats" could be constructed there. He tested this by building a sixty-ton schooner, and on the strength of this experiment again endeavoured to persuade the Government of India that he could provide "very efficient Gunboats built entirely of Teak wood at nearly one half of the cost at Calcutta." But the Government of India showed no interest. His successor, Mr. Blundell, was equally uninterested, and for some years after the departure of Mr. Maingy nothing more is heard of shipbuilding. Just before Mr. Blundell left, however, a suggestion came from India that it might be possible to build a Man-of-War for the Royal Navy in Moulmein. Mr. Blundell threw cold water on the project: Labour was abundant and good, but it was expensive. Burmans demanded Rs. 20 to Rs. 30 a month, and Chinamen Rs. 30 to Rs. 45. At these rates shipbuilding would not be profitable.¹¹

At one time Mr. Maingy thought something might be done with sapan wood.¹² He entered into contracts with some Burmans for supplying this to Government, but, finding that they had prospects of a large and profitable private trade, he released them from their engagements. They obtained such favourable terms that many others followed their example. According to one estimate, which seems on the face of it excessive, at one time there were no less than one sixth of the inhabitants of Mergui engaged in this industry. But they over stocked

11 Summary: Letters Issued, 1839-41, No. 300.

12 Selected Letters, pp. 42, 86, 104.

the market, and the price fell. The wood was subject to a tax of 25 per cent in Mergui and to an import duty of 10 per cent on arrival in Calcutta. At a low price the business could not stand these imposts; people deserted it as quickly as they had taken it up; the trade declined, and seems gradually to have died. There seemed better possibilities in cotton. Sapan wood was a luxury with which the market could easily be glutted, but Lancashire would always be able to take as much good cotton as Tenasserim could supply.¹³ Among the earliest papers is an enquiry from the Court of Directors as to the quantity of cotton available and the price at which it could be marketed. In due course a sample consignment of 40 bags was shipped to India. But the sole cultivators of cotton were the Karens and Taungthus, a wild tribe leading a migratory existence in the hills. They were likewise the only cultivators of betel, indigo and all the more costly products of the Province. Mr. Maingy tried to make them settle down and extend their cultivation, "by which means they could prove the most valuable class of subjects." Considerable plantations of perennial Pernambuco cotton were formed, the trees thrived luxuriantly and the yield was of superior quality, valued in Liverpool at one shilling a pound. But this price was unremunerative owing to the small yield. An experiment in planting an annual cotton failed. It was suggested that American workmen might be imported to give instruction in cotton cultivation. But Mr. Blundell, who by this time had succeeded Mr. Maingy, was afraid this would not answer, as the Karens would probably abandon their settlements if Americans came to instruct them.

The islands were as disappointing as the hills. The right to collect edible birds'-nests and beche-de-mer was annually auctioned to Chinamen, and brought in a varying amount of revenue. But the Commissioner could make nothing of the pearls.¹⁴ It was common knowledge that the Burmese Governors of Mergui had been able to obtain them on demand. One of these Governors had sent a pearl necklace worth Rs. 40,000 to the Court at Ava. The islanders, however, were "too indolent to dive for pearls unless compelled." Compulsion was contrary to Mr. Maingy's principles, so he imported a few experienced pearl-divers from Madras, who seem to have been no more successful than the islanders. Thus, by the time that Mr. Maingy left the country, the vision of abundant natural wealth which had stirred his enthusiasm in the earliest days had proved a mirage. But a few years later his dream seemed likely

¹³ Summary: Letters Issued, 1826-27, No. 77; 1830-32, No. 33; 1838-39, No. 486; Letters Received, 1839-40, No. 19.

¹⁴ Selected Letters, p. 57; Summary, Letters Issued, 1826-27, No. 149.

THE FASHIONING OF LEVIATHAN

to come true. Coal was discovered in Tenasserim.¹⁵ Apparently this was one outcome of the appointment of Dr. Helfer as Provincial Naturalist. The earliest reference to the subject is a report on the purchase of 30 tons of coal at 12 annas a maund, equivalent to little more than Rs. 20 a ton, which was a rate very much below that at which Coal is sent down from Bengal. By this time the Government of India was a little weary of Tenasserim; often they had been on the point of magnanimously returning the country to the Burmese Government, and undoubtedly would have done so if a suitable occasion had offered. But coal from Bengal cost Rs. 30 a ton in Tenasserim, and more, presumably, in Singapore, where by this time the growth of steam navigation had led to an increasing demand for coal. The prospect of cheap coal revived the interest of the Government of India in their eastern dependency. Surveys by military engineers corroborated the favourable opinion of the Commissioner. The first enthusiasm was damped when it transpired that the mines were inaccessible by road (which is not surprising as there were no roads) and involved "a tedious and much impeded river transit." Before long, however, another bed, less inaccessible, was discovered, which was estimated to yield 15,000 tons a year at Rs. 7 or 8 a ton, and ultimately perhaps at no more than Rs. 3 or 4. This seemed too good to be true, and the Government of India asked the Commissioner to visit the mines himself. After personal examination he was constrained to admit that the former estimate had been too optimistic; the 15,000 tons might not be much over 1500, and the cost instead of Rs. 3 or 4 or even Rs. 7 or 8 would not be much less than Rs. 10; moreover, the preliminary operations would be expensive, and continual pumping would be needed to keep the shaft clear of water. This, however, was good enough to go on with, and during the next six months 450 tons of coal were won at a cost which it was possible to represent at no more than eleven or twelve rupees a ton. But, as the labourers were convicts working under military supervision, the accounts might not have convinced anyone less bent on making the best of things than the Commissioner. Still, in one respect his judgment was confirmed; he had anticipated that pumping might be necessary, and the next we hear is that the mines were flooded. On this report work was suspended, but, after further examination by a military engineer, the purchase of a steam engine was sanctioned and work resumed. Possibly in the long run the faith of the Commissioner might have been justified, for during the next year 620

15 Summary, Letters Issued, 1835-41, Nos. 9, 18, 51, 63; 1837-38, No. 175; 1838-39, Nos. 202, 250, 327, 388, 487; 1839-41, Nos. 18, 104; 1841-43, No. 27; Letters Received, 1839-40, p. 187; 1841, No. 58, 733, 1164.

tons were extracted and shipped to Singapore. Unfortunately, however, before the boat reached Singapore the coal was "found to be decomposing from spontaneous ignition and part had actually taken fire." This settled the matter. The Government of India had had enough of the experiment, and the Commissioner received peremptory orders to stop all further operations. A final examination of the results showed that 1080 tons in all had been obtained, valued at 12 rupees a ton and involving a loss of Rs. 57,203-13-7. The Government of India remarked that "the inflammable quality of the coal did not justify further expenditure" and, with just the suspicion of a touch of humour, added that "the results should be valuable if the work were resumed by private enterprise." Strangely enough, no private adventurer has been rash enough to burn his fingers with inflammable coal, and it still lies there in the swamps of Tenasserim as it did before the British occupation.

In one direction, however, Mr. Maingy was able to record a solid advance before he left the country. But this development he had been unable to foresee when he sent in his earliest enthusiastic anticipations of the future greatness of Mergui. The forests of Mergui from which he expected so much, proved worthless, but behind Moulmein, stretching away to the Siamese frontier, there were some of the most valuable teak forests in Burma. Not until the conclusion of peace, six months after Mr. Maingy's arrival in Tenasserim, was this teak country ceded to the British. Teak had always been a royal tree in Burma, and in the first instance it was contemplated that these forests should be reserved for the exclusive use of Government.¹⁶ But the policy of reserving the forests for the exclusive use of Government was soon abandoned, and in 1828 the first license for felling teak was granted. Many others were granted during the next few years and by the time that Mr. Maingy relinquished charge the forests were being widely developed and explored. There seemed little chance of their soon being exhausted but, in his last testament, Mr. Maingy recommended that some care be taken to prevent the wood-cutters committing unnecessary destruction, and to plant out annually a certain number of young seedlings. The forests cover thousands of square miles; now they have been carefully surveyed and mapped and have been studied intimately for many years, a large staff of European and Burman officers with a small army of subordinates is needed to prevent the wood-cutters causing unnecessary destruction. But Mr. Maingy thought that the duties of conservation might be "cheaply and efficiently performed by a native headman on Rupees 50

¹⁶ Selected Letters, pp 71, 72, 99, 103.

THE FASHIONING OF LEVIATHAN

a month, assisted, whenever necessary, by 8 or 10 coolies". As we have remarked more than once, extravagance was not one of the defects of the administration in the early days. Already the competition among licensees was acute, and it is not surprising to read within a few years that "the system is beginning to involve us in great confusion". The licensees were penetrating further and further inland, their licenses failed to specify any limits within which each licensee should work. The unfortunate "native headman, on a small salary, proved "utterly unefficient to contend with Europeans", who formed the majority of the timber cutters, and conducted their operations over thousands of square miles of trackless virgin jungle. The Commissioner, Mr. Blundell, feared lest the felling of immature trees should bring the name of Moulmein timber into disrepute.¹⁷ He advocated resumption by Government of the monopoly of extracting teak, and urged that, if the circumstances reported were not held to justify such a step, an efficient Conservator should be appointed, as a temporary measure, to enquire into and report on the conditions of the industry. If such an appointment were made he hoped that the individual selected would be an officer of the Honourable Company's service, prohibited by the rules from engaging in trade and "his rank and station in life should preclude any approach to intimacy with those engaged in cutting timber". After successive representations that the need for such an enquiry was becoming more urgent every season, an officer was deputed to make the enquiry. He reported in due course that the appointment should be made permanent and, apparently, that he was the man to hold it; he succeeded at any rate in imbuing the Commissioner with this conviction. It seemed that the damage was chiefly caused by people who desired "immediate profit on a small outlay of capital". Rules were therefore drawn up with the intention of excluding all licensees with inadequate means, and transferring their forests either to Government or to people with sufficient capital. Mr. Blundell preferred the former alternative, and wished to establish a Government timber depot at Moulmein. Another officer was sent down to examine this project. He reported in favour of establishing the timber depot and, like his predecessor, convinced the Commissioner that he ought to hold the new appointment. The Commissioner thought that teak might also be procurable from Rangoon and sent an agent to enquire about this. But teak was, as already mentioned, a royal monopoly and, to spare the susceptibilities of the Burmese Government, the agent was instructed to inform the authorities in Rangoon that he had been sent "to ascertain the effects of the late calamitous fire". It does not seem, however, that action was

17 Selected Letters, pp. 162, 148, 202, 205, 279; Summary, Letters Issued 1837-38, No. 229; 1839-41, No. 259; Letters Received 1841, p. 83.

taken on either report. The Executive Engineer was placed in charge of the forests in addition to his other duties, but he was given a special staff of "one forest gong or headman and three peons." For many years to come the timber traders were left to exploit the forests without any effective restrictions, and teak accounted for rather more than one-third of the total value of exports from the country.

It must be admitted that in endeavouring to develop the resources of Tenasserim Mr. Maingy was led into many "deviations from Political Maxim". But, while encouraging exports, he left imports to the trading interest, so that there is little about them in these records. Some pages of statistics, however, indicate the general course of trade.¹⁸ Piece goods were the staple import, but most of these were re-exported to Ava. Thus, in 1833, when the total value of imports barely exceeded 10 lakhs, more than 6 lakhs was due to European piece goods, of which over 4 lakhs was re-exported. In 1839, when friction with Ava interrupted trade, the value of imported piece goods fell by 4 lakhs and the value of those re-exported by rather more than 4 lakhs. Burmese sundries, also, were imported and re-exported in appreciable quantities, and the imports next in order of importance were betel nut, spirituous liquor and marine stores, of which the betel nut alone was re-exported.

There was, however, one exception to the general principle that imports could look after themselves. Mr. Maingy on his first arrival expected "that the ancient commerce formerly carried on with Siam would again be revived and by this means the manufactures of England and British India would be widely dispersed." The object of opening up trade with both Siam and China engaged much of his attention. As we have seen, one of his earliest difficulties was the provision of meat. He soon learned that the hill tribes along the eastern frontier had plenty of cattle.¹⁹ He therefore sent out a mission to them. This was successful and for a few years there was a periodical supply of beef. Then there was a set-back. The hill tribes ceased to bring their cattle down to Moulmein. He thought that, as they were Buddhists of a sort, they might have developed conscientious objections to selling cattle for slaughter, and the envoy sent to re-open relations was instructed "not to bring forward too prominently the object for which cattle were required". But that proved not to be the main difficulty. The last convoy had only found one buyer, the contractor for supplying the troops. This man, by license or otherwise, had obtained a monopoly of purchasing cattle. When the cattle dealers refused to accept his price,

¹⁸ Summary, p. 98.

¹⁹ Selected Letters, p. 91.

THE FASHIONING OF LEVIATHAN

he kept them waiting several months until the approach of the rains threatened to cut off their return. Then they had to take what they could get; but they did not come again. Although the immediate object of these missions was to obtain a supply of fresh meat, they had the further object of opening up a direct trade with China.²⁰ At that time, as for many hundred years past, Chinese caravans brought the produce of China into Burma. But they stopped in Burmese territory without coming down to the sea coast. Officers of "a mild and conciliatory character" were therefore sent to entice them. Many of these agents came in contact with the caravans. The leaders of the caravans also seem to have been of a mild and conciliatory character, for the agents always returned with hopes that next year the caravans would reach Moulmein. But they never arrived. To reach Moulmein the traders had to pass through Burma, and the Government of Ava was sufficiently alive to the profits of the trade to frustrate these attempts to divert the caravans from their accustomed routes and halting places. The most ambitious of these missions was also the least satisfactory. On this occasion, Captain Macleod was empowered to push his way through Northern Siam into China itself, and to return by way of Assam. Like his predecessors he met the caravans, but he was stopped before he got much further, and his superior facilities for obtaining information only led him to the opinion that there was little prospect of attracting the caravans to British territory. Thus the attempt to open up trade with China failed; Siam had nothing to sell, and, apart from cattle, the whole trade across the land frontier amounted to little over Rs. 20,000 a year.

When the merchants who had settled in Moulmein, hoping the trade would follow the flag, found they were unable to deal in lakhs, they made up for it by looking after the rupees, annas and pice. But they found that they were exposed to unfair competition.²¹ One of them accordingly wrote to *The Englishman*, a newspaper in Calcutta, complaining that the trade of Moulmein was in the hand of clerks in the Public Office. The Government of India sent an extract to Mr. Blundell asking for an explanation. He had little sympathy with the merchants, and replied that the clerks had little time and less money to engage in trade, they could not therefore do so to the public detriment, and if they could add to their income without injuring the public he thought it a good thing. But the Government of India took a different view, and Mr. Blundell got a rap over the knuckles.

20 Summary, Letters Issued, 1835-37, No. 109.

21 Summary, Letters Issued, 1839-41, No. 30; Selected Letters, p. 202.

He may have, and probably did, issue orders that the clerks were to stop trading. But he did not insist on obedience to the orders, and over a year later the trading by clerks was still a grievance with the merchants. They addressed various representations, and memorials to Mr. Blundell and the Government of India, not only with reference to trading by clerks, but complaining of the general apathy displayed by the local administration towards mercantile interests.²² The Port charges were excessive and the pilots inefficient; there were no standard weights and measures; there was no recognised code of law; the Commissioner would not fix the price of labour; nor would he supply them with sufficient convict labour. Most of their complaints were thoroughly unreasonable. But Mr. Blundell made the tactical mistake of telling them too plainly that he thought so; and the even worse mistake of showing that he thought the Government of India might be as unreasonable as the merchants. He was still touchy over the orders about trading by clerks, and evidently felt that there was no knowing what the Government of India might order. For example, with reference to fixing the price of labour, he replied; "I beg leave decidedly to decline of myself making any rules for fixing the price of labour. Government may perhaps order otherwise." Even where he made no reflections on the Government of India he was discourteous to the merchants. One matter he said, "is of a Political nature and I regret that I can not be guided in such matters by your advice." Their complaint about the lack of a recognised code of law and other matters connected with the administration of justice was, he writes, "in a great measure unintelligible to him. It appears to pray for a regular Code of Civil Law, a task on which the highest intellect of India has been for some time engaged. You desire to know that custom or precedent has been established to prevent an act considered lawful or justifiable to-day being considered diametrically opposite to-morrow. This is indeed very vague and general language. The Regulations of the Government of Bengal are the general guide of the Courts of this Province. In suits where both parties are English, English law is administered (adding rather weakly) so far as it is known. Where one is English and the other a Native of the country the laws and customs of the country are looked to chiefly as the grounds of decision . . . With regard to imprisonment for debt and the amount of diet money allowed here, I disagree with you in looking upon it as a punishment, nor am I inclined to reduce the diet money so low as you seem to suggest. I will make enquiries

²² Selected Letters, pp. 201, 207, 267.

THE FASHIONING OF LEVIATHAN

under this head . . . but I beg to acquaint you that no efforts will be wanting on my part to obtain the abolition of imprisonment for debt, conceiving that to be in many respects injurious to the interests of the place. I have not means of promulgating orders by beat of gong in all the languages of the bazaar. The Burmese is the language of the largest number . . ."

It was unfortunate for Mr. Blundell that he could not control his pen, for the merchants had damaged a weak case by their manner of presenting it. The memorial purported to be signed by all the leading traders of Moulmein, Indian and Chinese as well as English. But none of the Indians had been present at the meeting held to formulate their grievances, and "what appeared to Mr. Blundell still more extraordinary" the contents of the memorial had not been explained to them. The Chinese traders one and all asserted that they did not even know that a meeting had been held, and they had signed the memorial as they believed it to advocate "measures for facilitating their usual supplies of liquor at their festivals".

Mr. Blundell, in fact, had nothing against him but his temper. But this defect of temper, too apparent in his reply to the memorial, lent plausibility to the allegations of the merchants. The European traders proceeded to memorialise the Governor-General, excusing their persistence on the ground that they had "property at stake", and "the fact of these Provinces, which possess as great capabilities as any part of India, having been under British Government for upwards of fourteen years, while we are not aware of any merchant who has yet been able to engage in their trade without loss".

One wonders. Government seems on the whole to have done its best to develop the new territory. After all, traders must expect to take the rough with the smooth and to lose sometimes. Their assertion, if you scrutinise it carefully, is non-committal. Could they, laying their hands on their hearts, have ventured to affirm that any merchant had engaged in trade there without gain? Anyhow they seem to have gone on trading. Among the twelve firms which signed the memorial to the Governor-General, there are names which are still known. One wonders if they have gone on losing money for a hundred years.

CHAPTER VIII.

MORAL PROGRESS.

Leviathan has no soul. The things of Caesar are the things of this world. As you may see in any of the old reports on Material and Moral Progress in India, Leviathan is unaware of any morality that cannot be measured in pounds sterling or pounds avoirdupois. His machinery is regulated by the laws of common sense, and he will grind out bread so long as he can go on grinding at a profit. But his servants, the administrators and officials on whom he depends to keep his machinery going, are men, and, being human, cannot live by bread alone. That is at once his weakness and his strength; his weakness because, as men, they are less efficient than machinery; his strength because, as men, they are reluctant to treat men as machinery.

To Leviathan his subjects are no more important than the natural resources which they develop; they are just instruments of production. His servants, however, are men, and cannot help regarding their fellow men as something other than so much labour. That is just as well for the permanence of Leviathan's dominion. The more efficient he becomes the less people can endure him, and it is not wholly a coincidence that the Viceroy who was regarded as the apostle of efficiency introduced an era of unrest. The ministers of Leviathan, then, serve as grit in the machinery to prevent it from running too fast and grinding the people into powder. It is their function to struggle against common sense and yet at the same time for lack of any other criterion they must justify their actions by appealing to common sense. Mr. Maingy constantly betrays this conflict between his feelings as a man and his duty as a servant of Leviathan.

In his first proclamation to the people of Mergui, he assured them that religion should be respected, and religious edifices secured from every insult and injury. Doubtless his new subjects were gratified; for at that time "the principal religious edifice in the Province, or receptacle of their Gods", had been taken over as a store room by the troops.¹ The principal religious edifice in Tavoy was also occupied for the same purpose. But if the Proclamation led them to expect the prompt restoration of the buildings, they were disappointed. Perhaps they did not take it very seriously, or perhaps believing what they hoped, they waited daily for the soldiers to restore the buildings or to be turned out. Anyhow, they remained silent for over two years. At length they

¹ Selected Letters, p. 77.

THE FASHIONING OF LEVIATHAN

submitted representations that the place of worship which, forty years earlier, the Ruler of the Earth and Sea had permitted them to build, had been taken by force of arms, and was guarded by soldiers who prevented them from entering it to pay their devotions. On receiving this petition, Mr. Maingy took prompt action to redeem his promise. The decision, however, rested with the General-in-Command, who at that time was also the Senior Commissioner for the Ceded Provinces. So Mr. Maingy suggested to him that, as there seemed every probability of the permanent retention of the country, it might be more convenient to build store rooms for the troops in lieu of the two Temples. As no more is heard of the matter it may be presumed that the temples were restored.

The European residents of Tenasserim, however, were in an even worse plight as regards religious instruction than the Burmans. Although the Burmans had no temples they had priests, and the Europeans had neither priests nor temples. But they were more patient under this deprivation than the Burmans. The revivalist who stirred the public conscience was a baby; literally, the gospel proceeded out of the mouths of babes and sucklings.² The Regulations of the Madras Native Infantry provided for burial, as death was an incident in their professional career. But there was no provision for baptisms; so that when the Adjutant's lady presented him with a potential child of grace, he appealed to the Commissioner to christen it. Anyone, according to the theologians, is qualified as a spiritual mid-wife, and for the rite of baptism to be effective it is sufficient to use the proper means of grace and the correct formula. But the Commissioner was no theologian; the regulations of the Civil Service said no more about baptism than those of the Madras Native Infantry, and the special instructions with which he had been furnished for taking charge of the newly acquired territory had not contemplated this contingency. He replied, therefore, rather stiffly, that he conceived he had no authority to baptise a baby unless it were seriously ill. The fate of the baby is not record. Possibly it died unregenerate. But if not a child of grace it was at least an instrument of grace for the appeal obviously touched the conscience of the Commissioner. In his next report to the Government of India he represented the need for a local chaplain.³ It was a delicate task. A chaplain would cost money. The acquisition of Tenasserim had not been a profitable speculation, the Government of India were still considering its restoration to Ava, and were unlikely to view favourably a proposal

² Summary, Letters Issued, 1827-31, No. 151.

³ Selected Letters, p. 82.

for expenditure that, regarded from an imperial and political standpoint, would be unremunerative. However, Mr. Maingy was able to demonstrate that a reduction had been effected in the cost of administration, and he "solicited the Supreme Government to take into consideration whether a portion of the saving might not be applied towards affording some religious instruction to the community of Moulmein consisting of a regiment of European soldiers, half a company of European Artillery men, a considerable number of European officers, and a large body of Christians employed in mercantile pursuits and public office. The appointment of a regular chaplain to this station would be a source of happiness to many who now lament the want not only of opportunities for religious instruction, but of the means of having duly performed the last rites as well as other offices of our Holy Religion."

But the Supreme Government had not heard the baby crying out for grace; the saving in Tennasserim was welcome as it coincided with one of those periodically recurrent attacks of financial stringency to which the Government of India has always been liable, and they could spare no money for a chaplain. It had taken so many years to stir Mr. Maingy's conscience that he cannot have expected the Government of India immediately to see things from his new point of view. He had first to get them accustomed to the idea.⁴ Not long afterwards a French Roman Catholic priest arrived, and an application on his behalf was so far successful that, during the absence of the Viceroy, sanction was accorded by the Vice-President in Council to a remission of duty on timber for the erection of a church, and for a grant towards the cost of building it. But the Viceroy, on learning what had been done, revoked the grant; "for several reasons he was unwilling to sanction an official money subscription towards the erection of a chapel at Moulmein for the performance of service according to the rites of the Roman Catholic Church." One is, indeed, rather surprised that the matter went so far, and still more, that in a question of administrative common sense, the Viceroy should have been right, and his Council, consisting of trained administrators, so obviously wrong. For if the Roman Catholics received a grant it would be more difficult, and we may suspect that Mr. Maingy saw this, to resist the claim for a chaplain of the Church of England. More than that, Presbyterians, Baptists, Methodists, and Wesleyans would have expected equal treatment, and if these, why not Mahomedans, Sikhs, Hindoos and Buddhists?

Before the episode of the baby, Mr. Maingy had been as stout as anyone in upholding the principle of non-interference with religion.

⁴ Selected Letters Issued, 1830-32, 145; Letters Received, 1830-31, pp. 395, 427.

THE FASHIONING OF LEVIATHAN

When sanctioning an educational grant to an American Baptist Missionary, he had stipulated that no steps should be taken leading parents to believe that the British Government had any intention of disturbing the religion of the boys. But, when he so nearly succeeded in obtaining a grant towards a Roman Catholic Church, he seems to have hoped for better luck with a protestant brand of Christianity, and recommended a grant towards the construction of a church by the American Baptist Missionaries. "It is highly desirable," he wrote, "that so large a community as that of Moulmein shall receive the benefit of *some* religious instruction."⁵ We have ventured on italics to emphasise the point of his remark, although it may be that the deprivation of religious instruction for so many years had blinded him to the niceties of dogma, and he was equally ready to welcome papist and dissenter. However, the Government of India was no more inclined to support American Baptists than Roman Catholics. Repeated applications for "an English chaplain of the Protestant faith" were equally unsuccessful.⁶ At length, Mr. Maingy paid a visit to Calcutta, where he had a chance of waiting on the Lord Bishop. As often happens, a good word was more effective than much writing, and His Lordship hoped shortly to have it in his power to send a clergyman. This gave Mr. Maingy something to go upon. In his next, and last, Administration Report he mentioned this promise, and endeavoured to tempt Government with the suggestion that in providing funds for a chaplain they would save expenditure on schoolmasters. "The presence of a Chaplain," he wrote, "would not only afford to our Christian population the means of obtaining Christian instruction and consolation, but would probably ensure to the schools for our native population a skilful and judicious superintendent." Even this last request might have been overlooked if he had not shortly afterwards visited Calcutta on his way to England. Before leaving Moulmein he disbursed Rs. 600 from official funds to construct "a temporary building for Divine Worship." On his arrival in Calcutta, he persuaded the Bishop to send a clergyman to Tenasserim, and then managed to obtain sanction to his expenditure on the temporary building. Emboldened by his success, he represented that "a very neat church" might be built for Rs. 5000, and was allotted a grant of this amount. Thus, at length, the church was built, but apparently no bishop visited the province for nearly ten years and the building must have remained unconsecrated. When the Bishop did

⁵ Summary, Letters Issued, 1830-32, No. 180.

⁶ Selected Letters, p. 109; Summary, Letters Issued, 1834-35, No. 19; Letters Received, 1834-37, p. 9; 1842, p. 110.

at length arrive, he seems to have been the kind of pastor who for so long a period would leave his hungry sheep unfed. That, at least, is a not unreasonable deduction from a warning issued by the Government of Bengal that the local Treasury should not advance the bishop any money in excess of his salary bills; but this may have been merely the usual formula of the Accounts Department, and does not necessarily imply a slur upon the honesty of the Bishop. The whole episode however is instructive, as throwing a light on the nature of Leviathan; he must have jails; he will, if possible, have roads; but he can quite well do without a church. Why should he need a church, who has no soul?

When Mr. Maingy endeavoured to tempt the Government of India to provide him with a chaplain on the plea that the chaplain would also perform the functions of a superintendent for the native schools, he had his eye rather on future contingencies rather than on accomplished facts. For at that time only one or two small schools had been precariously established. However, schools were certain to be wanted. In his latest Report,⁷ Mr. Maingy explained that, although almost every elderly Burmese and Talaing could read and write, "which was taught them by their Priests in the monasteries", yet the young generation under English rule was ignorant. In Burmese times monasteries had been crowded with people anxious to be secure from public labours and from government exactions. But under Mr. Maingy's "more mild administration," the people could enjoy ease and quiet, and earn a livelihood with very little labour. "Hence," he writes, "the monasteries are almost deserted, the Priests are held in less reverence, and the contributions for their maintenance, and towards the construction of religious edifices, are very scantily bestowed." The system of education had been in Mr. Maingy's opinion of little practical use, and even less calculated to effect an improvement of the mind, yet the boys had had a schooling of sorts, while now there was "ground for apprehension that the rising generation would be almost uneducated if Government did not adopt measures for instructing them."

It was easier to empty the monastic schools than to replace them with new lay schools.⁸ Mr. Maingy made several attempts in this direction. The first school to be opened was a school at Tavoy founded by an American missionary. For a time this prospered, and to such an extent that a second school was opened in the same place. Before Mr. Maingy left the country sixty-three scholars were receiving

⁷ Selected Letters, p. 109.

⁸ Selected Letters, pp. 78, 109, 136, 249

THE FASHIONING OF LEVIATHAN

instruction in these two schools, the boys being taught English, writing and arithmetic, and the girls, sewing and needlework. He reported to the Government of India that he was making them a grant of Rs. 50 a month, and asked sanction to make a similar contribution to schools that he proposed to open in Moulmein and Mergui. His representations that it was "a duty and a most agreeable one to offer to the people the means of acquiring a knowledge of the English language, and of more useful learning than could be gained under their own system of instruction" found the Government of India so full of sympathy and—astonishing to relate—so flush of cash, that they granted not only Rs. 50 but Rs. 500 a month. It is doubtful whether the Government of India would have been equally sympathetic if Mr. Maingy had not happened to follow his letter to Calcutta. We can see the human touch again.

Already the officials in Tenasserim were learning the lesson that anything not immediately obvious to common sense can hardly be accomplished without seeing people, and it was doubtless very largely due to the difficulty of seeing people in India that the general progress of Tenasserim was so slow. By the time that sanction was received Mr. Maingy had left the country. His successor, Mr. Blundell, was equally keen on the education of his subjects; possibly, for he was of a more enthusiastic temper, even keener. Mr. Blundell, then, opened two schools in Moulmein, for boys and girls respectively, and at the same time established an elementary school in Mergui. To find a superintendent of the schools at Moulmein, Mr. Blundell had to approach the American missionaries. He succeeded in securing the "valuable services of the Reverend Cephas Bennett, a gentleman admirably qualified for the charge, from past experience in the education of youths, the high interest he takes in the subjects of native education, and his superior acquaintance with the language of the country."⁹ It was agreed also "that his lady should take charge of the education of the females." Although Mr. Bennett and his wife were by profession missionaries, Government took over their services and paid their whole stipends, so that they became Government servants. The superintendent of the little school at Mergui was a Burman on Rs. 30 a month. The foundation of these schools, then, may be regarded as the inauguration of the Education Department. But the experiment was not successful. The school at Tavoy had already been closed, nothing more is heard of the institution at Mergui, and when, after struggling on for three years, the master of the school at Moulmein resigned, the

9 Selected Letters, p. 137; Summary, Letters Issued, 1835-37, No 110.

schools there were abandoned. The truth of the matter was that, although the people acquiesced perforce in the desertion of the monasteries and the degradation of their own system of education, they were not yet sufficiently convinced of the pecuniary value of an English education to risk the religious principles of their children by subjecting them to Christian schoolmasters. Most unfavourable reports had been in circulation as to the design of Government in founding the schools, and from the outset Mr. Blundell had "doubted the advisability of engaging missionaries as school-masters," but he had hoped that his explanations would quiet the scruples of the Burmans. In the event, however, he was compelled to admit that he had been in error in placing the school under a missionary.

The experiment had at least demonstrated the existence of "an anxious spirit for the acquisition of the English language." Many of the boys obtained admission to the Regimental school¹⁰ until, a few months later the old school was re-opened under a Mr. Hough, whose name is still connected with Burma, and at least one of whose works, a treatise in Burmese on Geography, may still be found in use as a text-book in the monasteries. With the opening of this school begins a series of annual reports on the progress of education. Mr. Blundell inspected it periodically, accompanied on one great occasion by the Lord Bishop of Calcutta; which was possibly a mistake, as shortly afterwards the attendance fell off. On these visits he examined the pupils and was able to report satisfactory progress, especially in English, which he hoped would "enable them to communicate to their fellow countrymen in their own language the result of study in ours." This, he thought, was "more desirable than a more showy though less stable, advance in Arithmetic, Geography, Grammar, etc." He obtained sanction to a scheme for sending four boys to perfect their knowledge of English in Calcutta, but this project fell through as their parents would not let the boys go so far from home. Several parents, however, he was happy to report, were so sensible of the advantages of education that they wished the Commissioner to adopt their children until their education should be finished. Not a few parents in Burma still attempt to relieve themselves of the expense of school fees in the same way. Although the Commissioner was gratified by the zeal for education which this suggestion indicated, it is not on record that he accepted it.

Mr. Hough, the schoolmaster, was able to render Mr. Blundell valuable assistance in another of his projects. The Commissioner had long been desirous of establishing a press "for the diffusion of whole-

¹⁰ Selected Letters, 137, 179; Summary, Letters Issued, 1835-37 No. 110, 1837-38, Nos. 100, 179; 1838-39, No. 119; 1839-41, 259.

THE FASHIONING OF LEVIATHAN

some reading,"¹¹ and at his own expense he erected suitable machinery, and procured all the materials for printing. When Mr. Hough volunteered his services, the Commissioner enlarged on his original plan, and determined to found not only a Burmese periodical, but also an English paper "free from all political subjects and entirely confined to subjects of local interest." Both the English paper and the Burmese periodical were so successful that they brought in a net income of Rs. 150 a month. As Mr. Hough's services were gratuitous, and the managing printer was a Madras convict who had been transported for embezzlement, the debit side of the account was not calculated on a commercial basis. Still, the accounts, as kept, showed a profit, which the Commissioner had never expected. In order therefore to relieve himself "from all imputation of having set up a press as a pecuniary speculation," he proposed to transfer the management to a committee and to pay salaries to those employed on it. As there is no further record of the venture, it would seem that when conducted on commercial lines it failed.

Even less progress was made in providing for the physical well-being of the people than in promoting their intellectual advancement. During the military occupation Mergui had enjoyed a great reputation as a health resort, and invalids from the forces in Rangoon were sent to Mergui for convalescence. Sick men did so well there that a regular sanitarium was established. Before long this had to be closed down owing to the scarcity of fresh meat, and, when the troops left the town at the conclusion of hostilities, their medical officer left with them. The annexation was followed almost immediately by a severe epidemic of small-pox.¹² The Commissioner, in his capacity of Lord High Everything Else, had to assume the rôle of doctor, but he relieved himself by appointing a Superintendent of Vaccination. It was easier to appoint a Superintendent of Vaccination than to obtain supplies of vaccine. This had to be brought down from Calcutta and, as we have seen, communications with Calcutta were irregular and infrequent, so that the vaccine lost its power, and the chief function of the Superintendent seems to have been the submission of weekly returns of deaths. The epidemic ran its course, and when the disease stayed the arrangements for vaccination were closed down. Thus, at the next outbreak,¹³ ten years later, a couple of children had to be sent down from Calcutta "in the Brig *Elizabeth* for the purpose of communicating the vaccine disease."

¹¹ Selected Letters, p. 173.

¹² Summary, Letters Issued, 1826-27, Nos. 32, 84.

¹³ Selected Letters, p. 134; Summary, Letters Issued, 1835-37, No. 38.

For many years, although there must have been medical officers attached to the troops, the whole medical establishment for all three Provinces of Tenasserim consisted of one assistant surgeon on Rs. 100 a month with two apothecaries on Rs. 50.¹⁴ After the lapse of nearly twenty years an Assistant Surgeon was appointed to each district, but his utility must have been circumscribed as there does not seem to have been a single civil hospital. At length Mr. Blundell endeavoured to force the hands of the Government of India by erecting a small general hospital in Moulmein. It must have been the very smallest and least adequate of buildings ever dignified with the name of hospital, for it cost only Rs. 623, which, even at that time, could have provided nothing better than a well-thatched hut. He spent this in anticipation of sanction. The Government of India, however, were cautious in sanctioning expenditure; they might perhaps have been able to spare Rs. 600 odd; but the upkeep of the hospital would "require a regular annual outlay." One never knows; it might happen at any time that the annual revenue would be insufficient to pay for the annual repairs to a building costing Rs. 600; the people of Moulmein had their Assistant Surgeon, and, presumably, though this is not on record, a supply of drugs; to provide them with a hospital might lead them to ask for more amenities. So the hospital was not sanctioned, and presumably Mr. Blundell had to pay the cost of it out of his own pocket. One hopes at least, for the credit of Government, that he did not send round a subscription list. It is instructive to contrast the grudging parsimony of Government when passing written orders with their liberality when Mr. Maingy could get talking to them.

Still, if Mr. Blundell had a difficulty over funds for local amenities, it was very largely his own fault. At an earlier date the money could have been provided out of local funds.¹⁵ The chief, and perhaps the only, source of local fund was the rent paid by stall-keepers in the local market. In Europe, where a town is ordinarily the growth of ages, a shopping centre develops by natural selection, but in new countries organised effort is necessary to meet the rapid growth of common wants. When the village of Moulmein was selected as the Headquarters of Government, a motley population from all over the East from India to China was attracted. Within a few years the village became a crowded town, and it was found necessary to provide a place "for the

14. Selected letters, p. 116; Summary, Letters Issued, 1839-41, No. 94; Letters Received, 1839-40, No. 871.

15. Selected Letters pp. 82, 193, 194; Summary, Letters Issued, 1830-32, No. 89; 1834-35, No. 104; 1835-37, No. 181; 1837-38, No. 82; Letters Received, 1834-37, p. 824.

THE FASHIONING OF LEVIATHAN

sale and purchase of the daily wants of the inhabitants." Mr. Maingy, therefore, erected "Substantial Sheds, floored, and divided into separate stalls, for the use of which the Sellers paid a certain daily rent according to the Scale Established." He hoped to raise enough money from the rents to construct new bridges and causeways; needs, he writes, which had long been felt by the general public. As the rainfall of Moulmein approaches 200 inches, it is rather difficult to conceive how people got about at all before there were any road and bridges. Mr. Maingy estimated the value from the Bazaar at Rs. 300 a month, but the success of the scheme far outran his expectations. The income rose rapidly from Rs. 300 to Rs. 550 a month. Within two years the bazaar had to be enlarged, and only a year later another extension was found necessary.

Similar bazaars were established in Tavoy and Mergui, and these also were successful. The nett income from Bazaar tax rose from Rs. 5423 in 1833 to Rs. 16,966 in 1836, and to Rs. 23,256 in 1839. The Bazaars, in fact, were too successful; they brought in so much money that the authorities could not devise plans for spending it. Mr. Maingy's scheme contained the germs of local autonomy, but he was fifty years ahead of his time. His successor, Mr. Blundell, was less far-seeing, and solved the difficulty of spending the money by directing that the whole income should be placed to the credit of Government. It is strange that nobody thought of a hospital; Moulmein must have been a very healthy place in those days. But it was bad mistake, making the money over of Government, and one that Mr. Blundell must often have regretted. For in India there was no such tax; India, of course, has never been a new country in the sense that Lower Burma was a new country when the British went there. And when the Revenue authorities in India heard about the tax, they were not certain that they liked it. The Bazaar tax had a flavour of monopoly, and of restrictions on trade; in either aspect it was opposed to the authentic "Maxims of Political Economy", by which the Indian Government laid so much store. As would be expected, the Accounts Department noticed the expenditure before noticing the income, and the Commissioner found it necessary to explain to the Civil Auditor that the expenditure incurred on bazaars was necessary to keep the stalls in satisfactory repair, and was recouped from rents. This explanation seems to have satisfied the Civil Auditor. No more is heard of the matter until two or three years later, when the Sudder Board of Revenue began to overhaul the revenue system of Tenasserim. The Bazaar tax was one of those to which they took exception; they held that any such tax, if imposed at all, should be limited to the bare amount necessary to keep the building in repairs. Mr. Blundell, harassed

apparently by political maxims and economical doctrines, had to admit that the tax might be "objectionable in principle," but it did not diminish the popularity of the bazaars; a reduction of the rate would not attract more vendors, "as the present rates have not repulsed any"; the rents imposed no restriction on trade as the bazaars were daily crowded; the people had long been accustomed to the practice, and, strongest argument of all, it brought in a good deal of revenue. This last argument was unanswerable, and the tax remained; but only for a time. In the long run the arguments from Political Economy proved effective, and Moulmein is one of the few towns in Burma where the chief market is not public property.

Whether the tax was abolished or maintained mattered little to the people of the town, for by this time it had been quite forgotten that the produce had originally been intended as a fund for local purposes. When Mr. Blundell decided to surrender the money because no further expenditure on bridges and causeways was required, he must have forgotten that a few years earlier the town had been hard-pressed to find the money for a fire engine.¹⁶ During the first few years of the British occupation there had been a destructive fire in every dry season. On one occasion 321 houses and 2 lakhs of property were destroyed in two hours, and also 'an excellent bazaar and an extensive wooden bridge'; another fire had endangered the 'Kutcherry and other military buildings'. Mr. Maingy appealed repeatedly to the Government of India for sanction to purchase a fire-engine, but without effect. The absence of facilities for putting out fires made it more important to prevent them. Perhaps this was the lesson which the Government of India intended to enforce. If so, Mr. Maingy took the hint. He published regulations prescribing a standard pattern for houses and required the people of Moulmein to widen their streets. These precautions sufficed during the time of Mr. Blundell. His successor, Major Broadfoot, from India, ordered peremptorily that at nine o'clock in the evening all fires should be put out, and no lights, other than a lamp, permitted. In India, one gathers, people do what they are told, and Major Broadfoot probably knew Indians. But he knew very little about Burmans. As Mr. Blundell could have told him, nothing could prevent a Burmese woman from puffing at her cheroot if she happened to wake up during the night, or from cooking a meal if she felt hungry.

Regulations for preventing damage to property by fire may be common sense. Bazaars can be defended on common sense grounds as

¹⁶ Summary, Letters Issued, 1827-31, No. 234; 1830-32, Nos 89, 207; 1831-35, No. 106; 1832-34, No. 158; 1837-38, 118; 1839-41, No. 217.

THE FASHIONING OF LEVIATHAN

stimulating trade and making goods cheaper. It is possible to persuade Leviathan that money is well spent on hospitals and sanitation for, with a high standard of public health, labour should be more plentiful and therefore cheaper. He can understand, likewise, that education, of a suitable type, will turn out cheap clerks and cheap subordinates for various departments of industry and administration. Even the promotion of religion may be useful to the magistrate. Most aspects of human life that rest on grounds transcending common sense can be justified on grounds of common sense, and to that extent are within the limits of Leviathan's intelligence. He may feel instinctively that they are dangerously subversive of utilitarian standards, and will approach them only with reluctance; yet he can be induced to venture on them. But Military training is quite a different matter. Both the advantages and dangers of education and religion are so remote from his ordinary common sense standpoint that, if he can be persuaded of the advantages, he may overlook the dangers. The military training of his subjects must however necessarily be his very close concern; the dangers are immediate and obvious, the advantages doubtful and remote. He needs military defence, but it must be wholly and unreservedly at his service to guard his position and possessions, and, moreover, it must be available at the lowest rate. Yet the human material, the Governors and commissioners and their assistants, who are the instruments on which Leviathan depends for the enforcement of the law cannot, so far as they are human, treat the question of military training wholly as one of common sense.

We have a good example in Tenasserim. It was conquered and occupied by troops from India and England. The troops from India were costly, those from England still more costly. If the people of the country could be induced to hold the country for Leviathan at a lower rate than troops from India or England, it would be common sense to train them to defend it. But could they be trusted to hold it for Leviathan? Would they not be more likely to prefer holding it against him? This would give him the trouble and expense of conquering it again; and more trouble and expense than formerly, because of their greater skill in warfare. While he employed Indian troops no such danger could arise; Indians in Burma were as dependent on Leviathan as he on them. Nevertheless, the risk might be worth running, if he could engage soldiers in Tennasseim at a lower rate than it cost to bring them from India.

Mr. Maingy shirked the problem. He is hardly to be blamed for this. Very exceptional circumstances must exist for a newly conquered people to be trusted immediately to serve their conqueror as soldiers, or for their new ruler to trust them. As Abraham Lincoln

said of the negro soldiers in the confederate army; "If anyone deserves to be a slave, it is he who will fight in order to remain a slave." Mr. Maingy wanted to make his people soldiers, but did not broach the subject until his last administration report.¹⁷ Then he did so with his usual tact. He referred to the "over ruling necessity . . . for reducing our Military expenditure and rendering it more commensurate with our revenue and limited means." He accordingly suggested the enrolment of Talaings. The Burmese and Talaing inhabitants, he remarked, were superior in physical strength, and in all points calculated to make good soldiers to most of the sepoys of western India. If prudent steps were taken in selecting a commander and adjutant, and in limiting the period of enrolment to seven years, there should be no difficulty in raising a very serviceable corps of Talaings. Although it would be necessary to give them pay and allowances on precisely the same scale as a regular battalion of sepoys, their knowledge of the country and greater mobility would reduce the expenditure on commissariat, and in the long run such a regiment would be more efficient and less costly than troops from India. The Talaings were "anxious enough to keep themselves as distinct as possible in language and opinions from both Burmese and Siamese, and to recover their ancient independence as a nation", and within a few years it should be possible to entrust them with "the whole of the external defence".

His recommendation was taken under consideration.¹⁸ He had proposed to start tentatively by arming a few Talaings to guard the jails. The prisoners were chiefly Indians, and there were much the same reasons for keeping order in the jails with Talaing guards as for keeping order in the country with Indian troops. Moreover, probably because the convicts were chiefly Indian, the warders had hitherto been Europeans, and Talaing guards were much cheaper than European warders. The first stage of Mr. Maingy's proposal was not only innocuous, but obviously sound. It is not surprising, therefore that before long the Moulmein Jail was staffed with "armed natives of the country in lieu of the European Guard." After then nothing more was heard of the project for some time. But it was still being examined by the civil and military authorities in India. At length Captain Budd, of the 2nd Madras Native Infantry, arrived from India rather unexpectedly, to raise and command the local corps. Mr Blundell, who had succeeded Mr. Maingy, had received no previous intimation that this measure was still contemplated, and had taken no steps to prepare the ground for Captain Budd. But he had been in the

17 Selected Letters, p. 110.

18 Selected Letters, pp. 123, 124, 247; Summary, Letters Issued, 1835-37, p. 86.

country for over ten years and had eaten enough rice to look at matters from a local standpoint. He was delighted with the news, and handed over to Captain Budd the Jail-guard of one Head native on Rs. 25 a month, and 50 men on Rs. 10 a month. Still he found it necessary to remind the Government of India of certain details in Mr. Maingy's proposals which seemed to have been over looked.

Mr. Maingy had attached great importance to the initial selection of officers. The choice of Captain Budd seems to have been unfortunate. He may have been a good soldier, but he was not the man that Mr. Maingy had recommended, nor had he the qualifications which Mr. Maingy had recommended as essential. He knew nothing of the country or the language, and no provision had even been made to give him an interpreter. Apparently he was ambitious, looking for and recognised as having claims on a staff billet, and the appointment in Tenasserim had been given him as there was no vacancy then on the staff at Fort St. George. A job had been going in Tenasserim and no one in India knew any of the soldiers so unfortunate as to be buried in such an out of the way place; Captain Budd had been looking for a job and got it. Although Mr Blundell was only too pleased to take what he could get, he permitted himself to point out that an Adjutant was still required and hoped that this appointment would be given to an officer "who had already had the opportunity of learning something of the language and making himself acquainted with the people". He suggested certain names, but his nominees were overlooked and the qualifications on which he laid stress were disregarded. Another officer was sent over from India; a young ensign as ignorant of the country and the language as Captain Budd. But the appointment is memorable. For this young ensign was A. P. Phayre, afterwards, as Sir Arthur Phayre, the Chief Commissioner of British Burma, and the author of a work that for over forty years remained the standard History of Burma; a soldier, a statesman, a scholar, and a gentleman, the greatest Englishman who has ever given his life to this outlying province of the Indian empire.

The scale of pay recommended by Mr. Maingy was another point that the Government of India had overlooked.¹⁹ Mr. Maingy had proposed that the men should draw the full pay and allowances of Sepoys. Troops from Madras were reckoned to be on foreign service in Tenasserim and, in addition to their pay, Rs. 8. 8 a month, drew allowances bringing their emoluments to Rs. 12 a month. That was what Mr. Maingy had proposed for the Talaings. The Government of India had, presumably, no objection to giving the Talaings full pay

¹⁹ Summary, Letters Issued, 1835-37, No. 8.

and allowances for foreign service, but did not see why they should draw an allowance for service while stationed in Tenasserim; they expected to obtain men for Rs. 8. 8 a month, which was the full pay of Madras troops in India. Mr. Blundell had to point out, therefore, that in Tenasserim an able-bodied man could easily earn Rs. 10 or Rs. 12 a month; and often more. The lowest pay in the Civil Department was Rs. 10 a month, and they could not expect to enlist useful soldiers on inferior pay. The object of his predecessor and, he believed, the original object of the Government of India, had been to replace European and Indian troops by Talaings. He had no hesitation in affirming that some reduction in the other troops would soon be possible; the Talaings possessed many admirable qualities of the soldier and their attachment to us and enmity to the Burmese could be implicitly relied on. "In a political point of view the raising of such a corps was desirable on the ground of the strong sensation it was likely to afford at the Court of Ava". Probably the Government of India was less confident than Mr. Blundell of the political advantages; they were bound to proceed cautiously in such a project. And they were certainly unwilling to pay more for untrained Talaings than for trained sepoys. Captain Budd, after lingering for some months in Moulmein in command of a non-existent regiment, returned to India and, we may hope, to the staff appointment that he wanted in Fort St. George. He was followed shortly afterwards by Ensign Phayre. Even as Jail guards the Talaings were too expensive. It had been possible to enrol fifty, but, as the number of convicts from India increased, three times that number of warders were required, The Talaing Guard was, therefore, converted into "Armed Burmandanzers" to which Indians were recruited.²⁰ The policy of entrusting the defence of Tenasserim to Talaings was abandoned, and the steps that had been taken in pursuance of that policy were reversed.

Two years later, a crisis in the relations between the Government of India and Ava gave Mr. Blundell a further opportunity to revive his favourite project.²⁰ After a palace revolution a new king hostile to the English had ascended the throne. Mr. Blundell strongly advocated "the policy of striking the first blow", and he felt "sufficient confidence in the strength of our force here (especially if better provided with all the munitions of war), and in the favourable dispositions towards us of the inhabitants generally to do so with effect." That was the crucial point, the favourable disposition of the inhabitants. Mr.

20. Selected Letters, pp. 165, 167, 174, 178, 180; Summary, Letters Issued, 1835-41, 26, 1838-39, No. 63; Letters Received, 1841, No. 1475.

THE FASHIONING OF LEVIATHAN

Blundell had no hesitation about this; how could they help liking him after knowing him for a dozen years. He hoped, therefore, that he would not be considered disrespectful if he took the opportunity of again pointing out the advantage of raising a small body of Talaings to act as a local corps; "in the event of another war with Ava they would be invaluable in many respects. The confidence in their fidelity which the measure would evince would prove an attractive nucleus to the good will and disposition of the Talaings in general and their inveterate hostility to the Burmese would be a pledge for their fidelity and good conduct. An armed body of Talaings subject to control and discipline, accompanying regular troops, would prove eminently useful in collecting provisions and intelligence, and in quieting the alarms of the inhabitants whose country might be invaded and above all the fact of such a corps being here ready to act at a moment's warning would strike more alarm into the Government or Ava, however constituted, than any other description of force that might be assembled here, as they would immediately perceive what a powerful engine it would prove in our hands of raising their whole Talaing population against them in the event of any wanton or unprovoked attack on their part. . . . At all events, in case of another war with Ava, it would be most highly desirable to raise and arm a body of these men to accompany the regular troops, though from not having been subject to discipline or trained in the use of their arms the value of their services would be diminished."

The Government of India was again sympathetic; and cautious. They thought, apparently, that there were still Talaing warders, in the jails, and that there was a Talaing police force. Could not something be made of this material? Mr. Blundell objected that there were few Talaing warders, and jail routine would quench military ardour. The men "would be neither good soldiers nor good jail peons". He begged respectfully once more to bring to notice the real object of raising such a corps. "Supposing that nothing had occurred to obstruct the raising of the corps in 1835-36, should we not at this moment be highly sensible of the advantage to be derived from it? We should have had a fine body of young Talaings armed and disciplined under European officers, eager to bring their newly acquired training to account and animated by a fine *Esprit de Corps* which would have led them to emulate European troops and have rendered their body so popular as to ensure numbers flocking to it whenever required. Would these grand objects have been attained had this Corps, though raised, been turned into jail peons and armed Burkundauses? It must be recollected that in raising such a corps we contemplate on the one

hand, impressing on the Court of Ava that we are prepared to bring her old enemies into the field against her—on the other to give confidence to our own people by putting arms in their hands and entrusting their own defence in some measure to themselves. Would these objects have been gained by doing nothing more than occasionally drilling our present jail and police peons?" Mr. Blundell had no hesitation in telling the Government of India that he thought not. He begged to give his decided opinion that an armed and disciplined corps was in no way required for maintaining internal order or guarding convicts. It was from the Political and Military point of view that such a corps would be eminently useful. In the first instance "we should attract to our standard the whole youth of Pegu in case of hostilities with Ava and they would rejoice at the opportunity of revenging themselves on their conquerors." Secondly, a properly organised corps of Talaings would make it possible, "in course of time", to disperse with the native regiments now stationed here," a measure which would decidedly prove economical in as much as the pay of Talaings would be less, and we should avoid all the heavy contingent expense of relieving the regular troops and of pensioning the families of those men who die here, they being considered to be on foreign service."

But these economies would only be effected "in course of time". The Government of India was more interested in the present cost of the experiment than remote and doubtful savings. However, Mr. Blundell was able to satisfy them on this point. The pay of sepoy had risen to Rs. 13½ a month; he could enrol Talaings at the rate formerly proposed, Rs. 12 a month. That argument probably carried more weight than the "grand objects to be obtained from Political and Military points of view." The project was approved and Mr. Blundell started to enrol men. All the omens were propitious. He was able to secure the appointment of the officers whom he recommended, and who possessed not only zeal, steadiness and intelligence but "that most essential requisite "an intimate knowledge of the Burmese language". This essential requisite may have astonished the Government of India after Mr. Blundell had been insisting so vehemently on the anxiety among Talaings, "to keep themselves as distinct as possible in language and opinions from the Burmese." He was well provided also with native officers. There were many people who had rendered service to the English at the annexation, and had not yet received such acknowledgment as they expected. The Talaing Corps was a boon to Mr. Blundell in enabling him to make "full provision for all who have any claims on us". But the rank and file did not fill up so quickly as he had anticipated. The lack of uniforms, arms and accoutrements discouraged recruiting. There was some delay in supplying these, the

THE FASHIONING OF LEVIATHAN

inhabitants of Tenasserim, as Mr. Blundell subsequently had occasion to explain, were a "peculiar people" and their taste in dress had to be consulted and considered. The ordinary sepoy of the time wore red, but the men preferred a green uniform. Aesthetically they were right, a red jacket does not suit the Burman or Talaing; but it was rather unusual to find the common soldier, and of a native regiment at that, worrying about his dress. However, the military authorities were sympathetic, and with no undue delay green uniforms were issued. Then there was trouble over the head-dress. The caps provided, on the usual pattern of the native soldier, were inconvenient, ungainly and unsoldierly. The men wanted shekos as worn by English troops. Their commanding officer approved these views, which may, of course, have been his own, and Mr. Blundell agreed with him so cordially that he was willing, if necessary, to pay for the shekos out of his own pocket. With this sympathetic treatment the corps gradually became so far popular that there was a considerable number of candidates for vacancies. Except, that is, for the post of bugler. The men were ready enough to fight but there was no possibility of entertaining buglers. Mr. Blundell wrote to India for help. It seemed, however, that even in India there was no possibility of entertaining buglers for a Talaing regiment in Tennasserim. The military authorities in Calcutta, who must by this time have been rather tired of Mr. Blundell, suggested that he might teach someone to learn the bugle. But he again reported that there was "no likelihood of any of this country volunteering to learn the bugle."

Possibly they did without a bugler. Apart from this, everything was arranged to Mr. Blundell's satisfaction. The corps had risen to the strength originally sanctioned, and brought to "a fair state of discipline." It had been inspected by the Brigadier and had elicited favourable remarks. Mr. Blundell may well have thought that he was happily delivered of his bantling and that his troubles were now over. But they were only just beginning. Other causes besides the delay in supplying uniforms had retarded the formation of the corps. Men had feared that they might be called on to serve in India; for all their anxiety to revenge themselves on their Burman conquerors they had been discouraged from joining by a rumour that they were to be "a kind of forlorn hope in the event of another Burmese War"; and, despite their confidence in their English rulers and their liking for Mr. Blundell, they had flatly refused to enlist for a longer period than one year. In fact, it had to be admitted that the people were "suspicious of our designs towards them and not yet perfectly confident of the stability of our rule over them." The military system which, "as respects our Indian sepoy had grown up with our power in the East, must naturally be productive

of some degree of terror to men utterly unaccustomed to, and ignorant of, that kind of discipline."

These representations arose out of an incident that illustrated the "fair state of discipline" to which the corps had been brought. The Subadar had been insubordinate, and the Commissioner, over-riding military regulations, had reduced him to be Jemadar. This punishment, or any other, was the prerogative of a Court Martial and, not unnaturally, the military authorities in Calcutta enquired what concern it was of the Commissioner. The Commissioner, pointing out that the Talaings were a "peculiar people", replied that "to bring the Subadar before a General Court Martial and thus prematurely to discover to the men of the corps that the act of entering it, rendered them amenable to other courts than those they had hitherto known would prove highly injurious to its further progress." The impression of his mind had always been that he was "called on to adopt such measures as his experience of the character of the people might suggest to bring them gradually to submit to discipline and to imbibe a taste for our military system, the corps in the mean while being considered more as a police force than otherwise." It is rather difficult to gather this impression from his previous letters, and he had not succeeded in conveying it to the military authorities or the Government of India. His intervention proved "highly injurious to the progress" of the experiment. Had any suggestion of the kind been made to him he would have stated his opinion and expressed no hope of success in raising the corps.

That was the end of the matter. If, as Mr. Blundell, reported, we had a "peculiar people to deal with," the military authorities had no wish to deal with a peculiar people. Sepoys from Madras, who knew the regulations and could obey them or take the consequences of disobedience, were good enough for them. This common sense attitude prevailed, and the second attempt to raise a Talaing Corps was abandoned. Looking at the problem from the human standpoint, Mr. Blundell was right from beginning to end. But the authorities in India were too far off to adopt the human standpoint. During a later scare of war Mr. Blundell made a third attempt to persuade the Government of India of the advantages of enrolling Talaings. But this time he was told rather off handedly that nothing beyond the temporary employment of the war-like population as pioneers, local guards, etc., would be permitted. Again, the scare passed over and nothing happened.

All subsequent proposals to train the people of the country to defend themselves, have originated in similar circumstances, have followed a like course and have had no better success. During quiet times the accepted policy has been to persuade the people that they are fortunate in being relieved of the burden of self-defence. Then, in times

of difficulty, they have been offered half heartedly the privilege of fighting for the empire, and when the empire has managed to survive with or without such help as a few men hurriedly enrolled can give, the regiments have been disbanded. That, of course is common sense; now, as in the time of Mr. Blundell.

CHAPTER IX.

GAMBLING, OPIUM AND DRINK.

Almost immediately on his arrival in Mergui, Mr. Maingy was faced with a problem in morals that still puzzles the Indian official and, at intervals, less acutely and at much rarer intervals than formerly, exercises the non-conformist conscience in England. It is not clear how far indulgence in drink opium and and gambling had been general under Burmese rule. Samsoo, the only spirit known to the Burmese, was drunk, it seems, by almost all classes, and gambling seems to have been the chief cause of slavery; men would stake their children, their wives and even their own liberty. But the British were responsible for the innovation of deriving revenue from these sources. This step was taken by the military authorities before the introduction of civil administration;¹ rather it would seem as a measure for promoting discipline than with the object of raising revenue, a consideration which carried little weight with the officer in command of the troops, who brought the liquor booths and gaming dens under control by auctioning the monopoly of retail sale, but made no attempt to realise the full revenue from the monopoly. The Chinese saw their opportunity and combined to purchase the farms on their own terms. Mr. Maingy could not afford to be equally regardless of the revenue and when he found it impossible to break the monopoly by any other means, he undertook the direct management of the shop.² The immediate result was a loss; but he held on and, when next he put the farms up to auction, the brisk bidding and enhanced prices justified the temporary intervention. Further attempts to establish a ring were defeated in the same manner, and before long the excise revenue from one district alone exceeded Rs. 60,000 a year, more than four times as much as had been realised on Mr. Maingy's first arrival.

1. Selected Letters, pp. 14, 28, 61.

2. Selected Letters, pp. 37, 38, 40-43.

For a year or two there are no signs of any qualms of conscience on the part of Mr. Maingy; he repeatedly congratulates himself and Government on raising a large and rapidly increasing revenue so easily. But when, on the conclusion of peace with Ava, and the annexation of the northern province of Amherst, he was appointed Civil Commissioner for all three provinces of Tenasserim, he "availed himself of the earliest opportunity of bringing under the special consideration of His Excellency the Vice-President in Council certain points relating to the Civil Administration of the Tenasserim Provinces requiring some specific instructions on the part of the Supreme Authority."³ The first point was the policy of maintaining Gambling farms. He explains that these farms had been established at Tavoy and Mergui by the military officers who had preceded him, and that since he had assumed charge the monthly revenue had risen from Rs. 500 to Rs. 2,400. His previous service in Penang where the expediency of gambling farms had been discussed at great length, had given him some acquaintance with the considerations generally regarded as justifying farms of this kind. The principal arguments had been that among the Chinese and Malays the vice of gambling was inherent and incurable, that attempts to prohibit gambling led to corruption of the police, and that, as punishment and prohibition were alike powerless to cure or repress the evil, the next best measure was "to license certain public places of resort for gambling where the vice may be drawn into a course under which it may be susceptible of some control, where the young and unwary may not be so liable to be imposed upon, where the man of respectability may be ashamed to be seen, and where the police officers may always be certain of apprehending the dissolute and idle." Further, since Government could not repress gambling, there was no objection to making vice pay tribute to virtue by taxation. Mr. Maingy, while admitting the strength of these considerations, "was not ashamed to own that his English education and feelings rendered him repugnant to the idea of gambling shops being maintained under the sanction of Government. "I fear," he writes, "that in every examination of the subject the mind of the Public Officer is insensibly biased by the consideration of the large and easily collected revenue of which such farms are the source." Moreover, the Burmans were not so addicted to gambling as the Chinese and Malays, and the population did not consist so largely of unsettled vagrant and occasional visitors as in the Eastern Settlements. The Burmans themselves regarded gamblers as degraded, the evidence of a gambler had not been permitted in the law

3. *Selected Letters*, p. 61.

THE FASHIONING OF LEVIATHAN

courts, while the priests had appealed to him against the continuance of the gambling farm, asserting it to be a source of great evil to the morals of the inhabitants; the growth of revenue from the Farms since his arrival proved the increase of the vice, and he was "very sorry to add that the female sex are constant gamblers." But the Government of India saw no sufficient reason for sacrificing the revenue from gambling, and Mr. Maingy, having salved his conscience by representing his views, was not the man to press them unduly on reluctant superiors. Being given a policy to carry out, he did so to the best of his ability, and within a few months succeeded in establishing a new gambling farm at Martaban. Not until in his last report, his final testament before leaving Burma for Europe, did he again ventilate his scruples, when he included not only gambling but drink and opium among the objects of his disapproval. Now that he would no longer be responsible for the revenue, his English education and feelings gained a victory over the bias of the Public Officer.

"I consider these farms," he writes,⁴ "to be really the most fertile source of crime and immorality amongst our Burmese and Talaing populations, and I most earnestly recommend that the Gambling and Opium farms at least be immediately abolished. I never approved of this mode of raising a revenue, as may be seen by my dispatch to Government of the 1st. May 1827, and six years' experience have fully convinced not only myself, but every other European officer under me of the baneful effects of our permitting and indeed encouraging opium-smoking and gambling. These vices are denounced in every Burmese Code of Law and morality, and this race indeed are not so naturally addicted to them as the Chinese and Malays. Let me then entreat the Supreme Government to abolish these two Farms and to direct that after a certain date any person detected in keeping an opium or gambling shop, or found gambling, shall be liable to punishment by fine or imprisonment. Such a measure would tend to raise the British character very sensibly not only among our own population, but among that of the surrounding Native states, in all of which opium and gambling are rigidly prohibited. An import duty on opium might realise a sum equivalent of one-half at least of the revenue now derived from the opium farms". So far as regards gambling, this remonstrance seems to have been successful, for in the next comprehensive survey of revenue administration in Tenasserim there is no mention of a gambling farm. But the revenue from gambling was solely of local interest, whereas the opium sold at the farm was Government opium imported

4 Selected Letters, p. 108.

from Patna in Benares, so that the sale of opium affected Indian revenue. This may have been the reason why the representations of Mr. Maingy were ineffective in respect of opium. After his protest we hear little more on this subject, except for casual references to the revenue that the opium farms brought in. It is clear, however, that the consumption of opium was not unknown in the parts of Burma still under the rule of Ava, for Major Burney when sent on a mission to that Court discovered Chinese opium on sale there, and sent specimen to India for analysis. "The fact of opium being produced in China and imported into Ava was previously unknown to His Lordship in Council";⁵ but although the information in respect to the Poppy cultivation carried on in China was interesting, His Lordship did not attach much importance to the fact as bearing on the revenue derived from opium the produce of India. Probably very little of it penetrated to Tenasserim.

The question of farming the right to sell spirits and other alcoholic drinks involved considerations of a different kind. Mr. Maingy liked this practice little better than he liked selling opium or licensing gambling. But rum was part of the official rations of the soldiers, and although he thought it possible to prevent gambling and the use of opium, he was not so optimistic as to think that he could stop drinking. Drink had to be sold, shops had to be licensed, and in these circumstances he could collect revenue with an easy conscience. Like many revenue officers since his time, he derived great satisfaction from the excise revenue whether it rose or fell. When the revenue increased this was an argument of efficient administration. On the other hand he could console himself when the revenue declined; "he did not hesitate to attribute the defalcation in this source of revenue to the increasing moral improvement in the population, and he was supported in this view by reference to the great reduction of criminal offences in Tavoy and Mergui, where during the last two years he had not had a single case of importance to try."⁶ That was written in 1833 when the imports of liquor were worth Rs. 33,000. Three years later the value of the liquor imported rose to Rs. 44,000, and three years later still to Rs. 137,000. For the corresponding years the imports of opium were Rs. 6,000, Rs. 15,000 and Rs. 40,000. But the excise revenue declined, so it would appear that the defalcation was not wholly due to an improvement in the moral tone.

The chief object in establishing a monopoly of the retail sale of arrack and spiritous liquors under strict surveillance had been to prevent the access of soldiers, especially European soldiers, to the liquor

⁵ Summary, Letters Received, 1830-31, p. 163.

⁶ Selected Letters, p. 96.

THE FASHIONING OF LEVIATHAN

shops.⁷ For this purpose it was the practice to station a guard of Sepoys over the Arrack Farm, that is, the liquor shop, so that the European troops should not raid it, and no Sepoy was allowed to enter the Arrack Farm, except in pursuit of an European soldier or Sepoy. *Quis custodiet*, however. The Sepoys had no money to spare, but liked a drink, especially if they did not have to pay for it. The thrifty Chinamen who rented the shops did not want to waste their money on servants, and as the Sepoys had nothing much to do, and all day to do it in, the Chinamen arranged with the Sepoys to do the daily cleaning of the shop. This was satisfactory to both parties, until one day, when the Sepoys either got too much to drink, or not enough, there was a free fight between the Chinamen and the Sepoys. The Commissioner might have passed over this, but as one result was that the Chinamen became less anxious to bid for the monopoly, and the revenue fell off, he felt bound to bring the conduct of the Sepoys to the notice of the General in command.

It is rather astonishing that the military authorities acquiesced in the employment of soldiers to guard liquor shops, especially as this implied that no less stringent precautions would suffice to prevent the troops in general from looting the shops. The civil authorities did not approve the practice. But it seems that for some years the collection of duties on the sale of spirituous liquors, at least within the Cantonment of Moulmein, was in the hands of the military, and they swallowed the insult to the troop for the sake of the revenue, which doubtless was helpful to the regimental funds. At length, in deference to representations from the Commissioner, the Government of India directed the transfer of the revenue from the military to the civil department. The military officers had no longer any financial interest in maintaining a military guard over the liquor shops, and when the Commissioner once again pressed the Government of India for permission to substitute a civil for a military guard he was successful. Even then his arguments might have been ineffectual if the Government of India had not been suffering from the chronic complaint of financial stringency. They only sanctioned the transfer "on the understanding that the arrangement will effect a saving of Rs. 6 a month." This is an economy worthy to be set beside their refusal to sanction Rs. 628 for a hospital for fear of expenditure on annual repairs.

Things were quiet just then in Tenasserim. For some few years there had been no scare of war with Ava, and the garrison was at a minimum so that a very small guard of policemen was sufficient to protect the liquor shops from raids by soldiers. The change was made and

⁷ Selected Letters, p 187; Summary, Letters Issued 1831-35, No. 44; 1841-43; No. 25; Letters Received, 1834-37, No. 1926.

thereafter the liquor shops were guarded by the civil police on a saving of Rs. 6 a month. But a year or two later there was fresh trouble with Ava, and more troops had to be stationed in Moulmen. This led to an application for extra policemen, "the large access of European troops at this station calling for increased vigilance to prevent their resort to the shops for retailing spirituous liquors." The application was sanctioned and the system continued in force until Major Broadfoot came from India to take the place of Mr. Blundell. Apparently in India, soldiers were kept out of liquor shops by military discipline, and Major Broadfoot did not see why the officers in Moulmen could not look after their men. So he effected a further economy by doing away with the police-guard altogether.

In the early days the liquor shops sold fermented palm juice, and also native spirits, or *samsoo*, distilled from the sugar yielded by the swamp palm. Very little native spirit was manufactured, and that was of a most inferior quality, so that before long it was replaced by imported spirits. But many people thought that the imported spirit also was of "a most inferior quality." Prominent among the grumblers was a Mr. Gahan,⁸ and if he was as intemperate in his habits as in his language, he must have known a good deal about liquor. He complained to the Commissioner about the quality of drink supplied, and on failing to get satisfaction reported the matter to the Government of India. When his complaint was referred to the Commissioner for a report, Mr. Blundell curtly replied that Mr. Gahan was "disordered in his intellect". Mr. Gahan, not to be defeated, made a further report that no brandy could be bought in Tenasserim except at the Government liquor shop where it was "of a poisonous intoxicating quality, and in numerous instances had occasioned instant death". That was too much for the Commissioner. He lost his temper as completely as Mr. Gahan and directed him to leave the country within one month from this date (provided suitable opportunities for quitting should have occurred during that period). If Mr. Gahan did not leave within one month (provided suitable opportunities for quitting should have occurred during that period), he would be turned out. Of course, suitable opportunities for leaving the country did not occur, but Mr. Gahan found a suitable opportunity for reporting to the Government of India the outcome of their solicitation on his behalf. He was triumphantly vindicated. His rather absurd and obviously exaggerated complaints about the poisonous quality of the brandy were forgotten, and the

⁸ Summary, Letters Issued, 1839-41, No. 150; 1841-43, No. 48; Letters Received, 1841, Nos 974, 1722.

THE FASHIONING OF LEVIATHAN

Commissioner was informed that "deportation is an extreme remedy which is alien from the character and spirit of our administration." Mr. Gahan accordingly was permitted to remain, and must have been a thorn in the side of the Commissioner. But it there was any foundation for his libel on the brandy sold at the Government liquor shop, it is not likely that he worried the Commissioner for very long.

CHAPTER X.

LAND REVENUE.

What rice is to the mild Hindoo, and to the anything but mild Burman, what macaroni is to the Italian, beef and beer to the Englishman, all that, and more than that, is land revenue to *Leviathan Indicus*, the species of Leviathan that inhabits India; it is his victuals, his sustenance. Income tax, customs duties, excise receipts and so on, although savoury relishes, are in effect no better than curries and kickshaws; he could, at a pinch, do without them, but without land revenue he would starve to death. Any one who would study the natural history of *Leviathan Indicus* must therefore reconcile himself to studying the problem of land revenue.

Inevitably, it was one of the earliest problems that Mr. Maingy set himself to study when he undertook the fashioning of Leviathan in Tenasserim. It would seem a simple enough matter. To obtain land revenue it is only necessary to value land and then assess it to revenue according to the valuation. That is, or ought to be simple enough; when you have discovered who ought to be held liable for paying revenue, and on what grounds he can be held liable to pay. But these preliminary issues may raise formidable obstacles. If everyone cultivated his own plot of land, and cultivated the same land with the same crop every year, with more or less the same result, there would be little difficulty in computing his assessment. In practice, conditions are rarely quite so simple. The actual cultivator may be the tenant or sub-tenant, or merely the servant of the land owner; or he may have taken the land on mortgage. When complications such as these arise it is not always easy to find out who ought to be assessed. Again, should a man pay the same revenue whether he cultivates a valuable crop or one of little value? And whether he obtains a good crop, a poor crop, or no crop at all? And should everyone be liable to pay at the same rate? Is a moneylender, whose only interest in the land is to extract the last farthing of rent, to pay the same rate as a cultivator struggling to bring a few more acres under the plough?

Although, then, one may feel at times that revenue officers have a passion for obscurity that the tax-gatherer loves darkness because his deeds are evil, it must be admitted that many questions about land revenue cannot easily be answered off-hand, or by rule of thumb.

Such were the problems to which Mr. Maingy addressed himself when he took over the administration of Tenasserim. Immediately on arrival he began enquiries into the tenures of land, and the methods and profits of cultivation, and his earliest report, containing the result of these preliminary investigations, foreshadows some difficulties in revenue administration which have coloured the whole subsequent history of the subject, and which in parts of Burma still remain unsolved.

"Land," he writes,¹ "is of no value in the Province of Mergui; it was allowed to be cleared indiscriminately by anyone and held by no title deeds of any kind, nor could I discover that the lands so cleared were ever registered or account kept of them; yet they constitute a clear and distinct, private property, some of them ancient and were never interfered with unless owing to those arbitrary measures under the late absolute and despotic Government. Any land holder is allowed to dispose of his property by either sale or gift, and it regularly descends to his family. It sometimes happened, but very rarely, that in the transfer of some lands, bills of sale were drawn out, but being written on the black tablets in general use among the Burmese might be defaced or altered at pleasure."

"Any person quitting his land for a season and leaving no one in charge of it could not on his return claim it, or turn off the actual possessor without an order from one of the Members of Government, and this could alone be effected by bribery."

On at least one point Mr. Maingy seems to have been misinformed, or, more probably, to have misunderstood his informant. The general experience has been that a man leaving his land did not, by the mere fact of leaving it, abandon it. Within a period of years, ordinarily ten or twelve, he could prevent a new comer from settling on it, but, if he acquiesced in the settlement of a new comer, or failed within a reasonable time to make any effective protest, his right in the land determined, and he could no longer assert a title to re-occupy it. That, however, was a difficult point, which a new comer making enquiries through an interpreter from people, not very anxious to give accurate information, and with no great interest in what they were saying, might easily misapprehend.

As to the right of private ownership in land, his report should have left no room for question. But one source of confusion in the land

1. Selected Letters, p.p. 9, 73. 101,

THE FASHIONING OF LEVIATHAN

revenue history of Burma has been the obsession of the Government of India that it is not only the sovereign authority in land taxation, but is ultimately the actual owner of the land, and that the land revenue is a rent paid by a tenant rather than a tax on land. In Burma this claim has been repeatedly asserted on behalf of the Government of India, and has almost invariably been repelled by local officers. It is significant that, although Mr. Maingy's first report was clear enough on this point, he found it necessary to insist on the right of private ownership of land on almost every occasion when the tenure of land in Burma came under discussion with the Government of India. It is noteworthy, moreover, that after the first report we hear no more of "arbitrary evictions by a despotic government." Subsequent reports suggest that cultivators, however insecure their tenure may have been in theory, were in fact disturbed as little under the Burmese Government as under the English. Thus when, three or four years after the annexation, the revenue authorities in India were contemplating projects for colonising Burma with European and Asiatic settlers, Mr. Maingy had to remind them "that under the Burman Government, private property in the soil was generally recognized, and as long as an individual of however humble birth gave no cause of dissatisfaction to the Chief (i. e. to the head man of his tract or circle) he was left at full liberty to bequeath, sell or otherwise alienate the land which he occupied or cultivated". Again, in his last report before retiring on pension, he writes that "private property in the land has always existed in these provinces, for even under the Burman rule, a man could sell, mortgage or bequeath the lands held by him, and no instance is known of a man being deprived of his land except for some criminal offence."

Not long after Mr. Maingy's departure the revenue administration of Tenasserim was placed under the Sudder Board of Revenue in Calcutta, and Mr. Blundell, the successor of Mr. Maingy, when called on to explain the land system for the benefit of the Sudder Board, submitted the above extract from his predecessor's report. In still another report it was explained that "the difference between a Government tax on the land and the proprietor's rent is perfectly understood."² But, however clear this distinction may have been to the Burman cultivator, it was far from clear to the Government of Bengal, which still in almost the latest of these records betrays some confusion between revenue and rent. There the question rested until many years later, when the British dominion in Burma had been extended by the annexation of Pegu, Government decided to place the revenue administration on a legal footing. By this time it had become the practice to

² Selected Letters p. 44, 27.

appoint as the local Governor, or Chief Commissioner, an officer whose administrative experience had been gained in India and whose views were coloured by his Indian experience. The issue as to the nature of the tenure on which Burmans held their land was of fundamental importance in legislation designed to place the revenue administration of the country on a legal basis. A sharp conflict arose. On the one side a masterful Chief Commissioner from India upheld the orthodox position that Leviathan knew no such thing as private property in land. On the other side were the local officers selected to advise him; these insisted with equal vehemence that, if Leviathan knew nothing of private property in land, the Burman did. It was one of those issues that are often termed academic; a question of principle and not of practice. But, like most academic questions, it had a close bearing on practice. For, if Leviathan were to abandon his claim to be the sole landowner, he could no longer pose as a kindly monster for foregoing the full rent, and, on the other hand, if encroachments on his claim were once admitted, it might lead ultimately to his going hungry. In the event a formula was discovered which settled the dispute by evading a solution. Neither Leviathan, nor the cultivator was recognized as owner of the land, but it was decided that the Burman land-holder holds land by a land-holder's right. That was sufficient for the purpose of Leviathan; the private ownership of land has never been acknowledged, so that Leviathan can still pat himself on the back for his generosity in taking less than the whole produce.

The other characteristic system of the Burmese land system, the readiness of the cultivator to abandon his land, contained seeds of practical difficulties in revenue administration which Mr. Maingy did not appreciate for some years. It is rather doubtful, in fact, whether he ever did appreciate them, but they conditioned land revenue administration throughout the whole period covered by these records, and we can leave them to be noticed as they arise.

The methods of cultivation were primitive.³ "The same ground," writes Mr. Maingy, "never yields more than one crop annually, artificial irrigation is unknown, and the paddy seed is prepared by the Burmese in the same manner as by the Malays. Buffaloes are turned into a ground intended for cultivation, after which a wooden rake or harrow is employed to clear it of weeds. The women, apparently, take a greater share in the labour of the field than the men. The seed grain is not sown in the first instance in small spots of good soil chosen for the purpose and afterwards transplanted, but at once scattered over the ground prepared for it."

3 *Selected Letters*, pp. 6, 25, 75, 101.

THE FASHIONING OF LEVIATHAN

And now, after a hundred years of British rule, there are many parts of the same district where exactly the same methods of cultivation are employed. In Mergui district, Maingy estimated the return at 30 baskets of rice for every basket sown. In Tavoy, where the soil is superior, he put the produce of a favourable season at 50, often 60, and sometimes even a hundred fold; in an unfavourable season it was said to yield about 35. When he took over charge of the northern province, Amherst, he found that the average produce was 90 fold in the richest tracts and upwards of 60-fold in most other places. But he had already come to regard his original estimates for Tavoy and Mergui as excessive, and now placed them no higher than 20-fold and 15-fold respectively. In his last report before leaving the country he notes that some Talaing immigrants from Pegu had introduced the method of transplanting paddy to which they had been accustomed in Pegu, and on this method they were reported to obtain the incredibly big return of 200-fold. Here, again, he was perhaps too optimistic, for a few years later his successor, Mr. Blundell, had occasion to comment on the careless and unproductive methods of cultivation in general use.

These were the conditions which Mr. Maingy had to deal with, the raw material out of which he had to furnish sustenance for Leviathan. This was badly needed. Leviathan is a hungry monster, and he has first claim on the produce of the country. If a man starves, he starves, and there is an end of him; but if Leviathan is starved, all his subjects are involved in the common ruin. And, there was no denying it, in Tenasserim in the early days, Leviathan often had to go hungry. He could be supported by doles from India, but India did not like having to feed him, and often considered the question of restoring Tenasserim to Ava. That, however, was a distant prospect when Mr. Maingy first surveyed the resources of his new territory and set himself to tax them. He found that under the late Burmese Governor the cultivator's paddy land had paid no more than 6 'baskets' of paddy out of every hundred that his land produced⁴ though 10 per cent was the usual rate. He ascertained also that all the taxes in kind which were not required locally for the subsistence of the army or for some other purpose, were converted into cash and sent to Ava; but he endeavoured in vain to find out the total amount of revenue thus remitted. Some informants gave him to understand that remittances were made only once in three years, and, improbable as this may sound, it seems to have been correct. He had

4 Selected Letters pp. 12, 43.

the same difficulty in studying the Burmese revenue administration that he had experienced when enquiring into their legal system. The people of whom he made enquiries, although the most intelligent in the place, could give him no clear account of the Burmese system and "the disappearance of every vestige of the Burman records, together with every paper in any way connected with the late Government" entirely nullified his efforts. Fortunately, however, he was able to find sufficient grounds for believing that the assessment of 6 per cent. on the produce of paddy cultivation had been unusually moderate, and that ordinarily the rate had been ten per cent. Colonel Miles, one of the officers in charge during the military occupation, had been even more generously disposed than his Burman predecessor, for, either as a military expedient or, if in good faith, somewhat rashly, he had informed the people that under the English rule they would not even be required to pay revenue at the rate of six per cent., but would enjoy a total exemption from revenue for some years. That was certainly rash, and, unless Colonel Miles was simpler than his responsible position indicates, must have been rather disingenuous. Mr. Maingy took the earliest opportunity to disabuse the people of any false conception on the subject by starting to collect revenue at 10 per cent. immediately on his arrival. From the facility with which it was levied he concluded that the Burmans "must have either placed little faith in the assurance of Colonel Miles, or not consider the present tax in any way grievous."

The tax, however, was only collected near the town, which was garrisoned by soldiers, and it is possible, of course, though Mr. Maingy does not touch on this, that the presence of the garrison helped to reconcile the people to parting with their grain.

During the first year or two the depredations of the Siamese and the general confusion consequent on the annexation, rendered it useless to attempt the collection of revenue except from rice land and in the immediate vicinity of the chief towns. The people, however, were liable to indirect taxation in the form of 'compulsive labour', and we are told that "the number of men constantly employed on the Public Works", interfered prejudicially with cultivation.⁵ Mr. Maingy was in a difficult position. He wanted to pay commercial rates for labour, but the revenue did not permit of this so long as cultivation was interrupted and, on the other hand, until he could afford to pay for labour he had to employ cultivators as labourers to the prejudice of cultivation. As soon, then, as the country had quieted down sufficiently to permit of the collection of revenue in the interior, he decided to raise the assessment

5 Selected Letters, pp. 65, 66; Summary, Letters Issued 1830-32, No 174.

on rice lands from ten to twenty per cent. of the produce, and also to introduce a tax of 25 per cent. on garden cultivation. At this time the 'soogees', or heads of districts (i. e. tracts or circles) were receiving fixed salaries on Mr. Maingy's system of "gradationary control". A few years later, however, it was decided to pay them by a commission on collections, and an additional five per cent. of the produce was taken as 'thoogyee-tsa', out of which the head-men received their commission, the balance being credited to Government. Thus, before Mr. Maingy left the country two enduring features of the revenue system had taken shape. The tax of one-fifth of the gross produce remained for over 50 years as the sole standard of assessment, and is still one of the standards with which rates of assessment have to be compared; the payment of head-men by a commission on collections, though often criticised, is still the rule. Another survival from the earliest revenue arrangements is the exemption of immigrants from taxation for two years. Before the Provinces of Mergui and Tavoy had been taken over from the Governor of Prince of Wales Island by the Government of India, the practice of allowing new settlers an immunity from taxation for two years was introduced,⁶ and this concession was subsequently extended to the whole of Tenasserim.

It is an easy matter to fix the rate at which a tax on produce shall be paid, it is far more difficult to ascertain how much produce each cultivator obtains so that his individual assessment may be determined. Nowadays this is estimated by an elaborate and mysterious process known as the settlement of revenue. Mr. Maingy had to solve the problem without spending money.⁷ At first he relied on the 'soogees' or head-men. But they had never done, nor been expected to do, work of this kind; they drew no pay and did not see why they should bother themselves about the matter. Four 'sirrees', or clerks, were sent to check their estimates. Although these clerks had no pretensions to be expert as surveyors, it did not require much penetration for them to ascertain that the estimates submitted by the head-men were all wrong. After the first year, however, Mr. Maingy obtained sanction to introduce his system of 'gradationary control' on which the head-men were paid fixed salaries. This gave him a hold over them, and he expected them "in the course of a few weeks to submit statements showing the grain sown in each district (circle), the number of cultivators, the quantity of grain planted by each, the land, whether rented or cultivated by the actual proprietor, and the amount of estimated produce." ... To assist them, he had given some Burmans

6 Selected Letters, p. 46.

7 Selected Letters, pp. 37, 43, 52

"an idea of measuring land." But he cannot have realised the nature of the task that he was imposing on head-men, and he was soon taught by experience that he must either moderate his aims or improve the machinery for assessing land. He chose the latter alternative and obtained sanction to employ a few military officers on a revenue survey. He intended that this survey should form the basis of a '*ryotwari*' settlement, that is a settlement with each individual cultivator of the amount of revenue for which he should annually be liable. On this scheme the land of every cultivator was to be measured up, and he was to receive a statement showing that he possessed so many fields and so much garden land. The average produce of his paddy land was to be estimated, and its value calculated at the average mean value. Garden land was to be assessed at 5 per cent. above paddy land. The statement given to each cultivator was to bear a written agreement showing that the tax on his land would be fixed for a period of three years during which he would be at liberty to extend the area under cultivation without any extra charge. At the end of the three years' settlement, extensions were to be measured up and a new agreement framed. At that time the relative advantages of a *ryotwari* settlement with individual cultivators, and of a *zemindari* settlement with a single individual taken to represent the whole body of cultivators within an estate or village were being hotly disputed, and the balance of authoritative opinion in India seems to have inclined in favour of *zemindari* settlements. Mr. Maingy, accordingly, addressed himself to dispose of the objections that he anticipated to his proposals. He admitted that "plans bearing a strong resemblance had not been considered feasible for the collection of Land Revenue in some parts of India," chiefly because in bad seasons, if individual cultivators were held liable for fixed annual payments Government had to grant remissions, or else to evict a large number of the cultivators. With such a light assessment as he proposed, however (at one quarter of the gross produce!), he did not anticipate difficulties on this ground, especially as the free export of grain would tend to enhance prices, and thus make the fixed assessment in money easier to pay. Another objection that had been alleged against individual settlements had been the difficulty of dealing individually with a large body of cultivators each liable for a minute sum. In Tenasserim, however, the scantiness of the population deprived this objection of its force. Moreover, his scheme possessed "the advantage of bringing the European officers of Government more in communication with the cultivators by which a mutual good understanding is established."

But his whole scheme rested on his project for a survey of the country 'by a few military officers'. This, the Government of India

THE FASHIONING OF LEVIATHAN

refused to sanction. It must be admitted that they showed a juster appreciation of the difficulties and expense of such a survey than Mr. Maingy. He had not realised how lightly the cultivator held his land.⁸ More than ten years later, when conditions were more settled and prices ruled higher, Mr. Blundell, the successor of Mr. Maingy, found it necessary to explain to the Sudder Board of Revenue that land in Tenasserim had scarcely any disposable value and was often 'taken up or abandoned on a consideration of the profits to be obtained from it.' The cultivators, in fact, were to "be looked on rather as speculators than as real agriculturists." In such circumstances the land surveyed in one year might have relapsed into jungle before next harvest, and the cultivator might have moved to a different village, or even have taken up some other occupation. It does not appear that these circumstances were known to the Government of India, and the grounds on which they refused to sanction the survey are not on record. There can be little doubt, however, that they were prudent in declining to accept Mr. Maingy's recommendations.

Their refusal compelled him to devise an alternative plan. Meanwhile he had been collecting the land revenue by what he described as a village settlement.⁹ He "personally visited every village and, after calling all the inhabitants together and ascertaining as far as he could by their declarations and by the accounts which the village chief had been directed to keep, the extent of their cultivation, he had proposed a general average of the produce, and a commutation price for the grain, and obtaining the consent of the cultivators to these points, he had fixed the amount of the Government share at one fifth of the gross produce, and instructed the thugye, or chief of the village, to collect it." It was on this plan that he fell back when his proposals for a survey were rejected, and until he left the country this system of assessing the land revenue remained practically unaltered.

In his last report he gives an account of it as then worked.¹⁰ The Land Tax now levied in these provinces amounts to 25 per cent. upon the gross produce of the lands. The assessment is usually a village assessment, that is the Commissioner, or his Assistant in charge of each Province, settles in concert with the inhabitant of each village and its head-man or *Thoogyee*, the whole amount of tax to be paid by the village, and in performing this duty the Commissioner and his assistants are governed by a reference to what the village paid in former years, and by the information which they may have acquired as to the average fertility of the cultivated lands in the village, from having visited it in former years and superintended the cutting and measuring of crops on several portions of its land.

8 Selected Letters, p. 172.

9 Selected Letters, p. 74.

10 Selected Letters, p. 100.

The amount agreed upon is afterwards divided by the villagers among themselves, a list of the contributors and the amount of each contribution being given to the Commissioner, and a copy placarded in the Zayat or Town Hall, or most public place in the village so that each cultivator may be fully apprized of the proper sum to be paid by him. The *Thoogyee* collects the amount from each cultivator, and delivers it to the European officer, and for this trouble he is allowed a commission of 10 per cent. upon the amount which he may collect and pay in to Government. It was my original intention to have given the *Thoogyee* 5 per cent. upon the gross produce of the paddy lands but the amount appeared to me to be too large in many cases, and hence I have limited their remuneration to 10 per cent. upon the amount of their collections, and reserved the remainder of what was collected for this purpose and styled *Thoogyee-tsa*, towards meeting the expense of paying monthly stipends to the head-men of small villages, or villages which have little or no paddy cultivation. The assessment is paid in money and the value is regulated according to the average market price each year of each article. Remissions of the assessment are, of course, allowed in well attested cases of failure of crops, in consequence of bad seasons or any accidental circumstances."

The only innovation of importance during Mr. Maingy's regime had been the introduction of a triennial settlement, which relieved the cultivators, and Government officers, of the trouble of asking fresh enquiries every year. This three years' settlement had been so successful that "not a single instance had occurred of imprisonment or distraint of property to enforce payment of the tax from any cultivator." Mr. Maingy, however, considered that the assessment, although liberal, was adequate, and his opinion was "most earnest and decided" that no attempt should be made to increase the tax, but that an assessment, precisely according to the rate then paid by each cultivator should be fixed for a period of 15 or 20 years, or even in perpetuity, and that no village should pay any land tax in addition to what it then paid, except on waste land newly brought under cultivation. Such land, after an initial period of exemption, should pay at a reduced rate for some years. He knew of no measure that would be more likely to promote and extend and improve cultivation in these provinces than that of Government satisfying the cultivator that its demand upon the land is limited and fixed. Private property in land had always existed and "fixing the land tax would greatly enhance the value of landed property and incite the landed proprietors to improve their land and attempt better modes of tillage and the cultivation of new valuable products."

Such was the revenue system of Tenasserim at the time that Mr. Maingy left the country which he had nursed for nearly ten years. His departure, as we have already noticed, coincided very closely with the decision of the Government of India to place the revenue administration of Tenasserim under the superintendence of the Sudder Board of Revenue in Bengal. The Board of Revenue showed less activity in

THE FASHIONING OF LEVIATHAN

assuming its responsibilities than had been evinced by the Sudder Court in respect of judicial administration, and we hear no more of it until, some years later, a circular letter was issued to various Local Governments requiring information about revenue administration.¹¹ This letter was accompanied by a questionnaire framed with reference to Indian conditions. When it reached Mr. Blundell he was stumped. He could make nothing of it and did not try to. But the Board was pertinacious, and at length Mr. Blundell had to apologise for the delay in his reply. He explained that he had given them no information because, in fact, he had none to afford them on the subject as it (the questionnaire) 'had no reference to the mode of collecting the Revenue in these Provinces, and the very terms of the headings of the required statements were unknown in this Quarter.' He might just as well, one would think, have mentioned this without keeping the Board waiting for a year. But the Board was not to be put off so easily. If he could not furnish the information that they wanted in the form that they required, he might furnish such information as he could give them in the form that he preferred. He then submitted the extract from Mr. Maingy's report which we have already quoted. He explained that subsequently Mr. Maingy had contemplated replacing the triennial village settlements by individual settlements by seven years. On the departure of Mr. Maingy the responsibility for introducing the new system had devolved on Mr. Blundell. The rules which he drew up are of interest as the earliest revenue rules in Burma, and it seems worth while to place them on record together with the gist of his comments and explanations. Here are the rules:—

"1, The assembled individuals of a village having furnished an account of the average annual produce of grain of the whole village, and an estimate of the proportion of each individual, an agreement will be entered into with each cultivator for the amount of his grain duty for seven years.

"2, Proportion remission will be made to any person who may enter into this agreement in the event of him being wholly or in part prevented from cultivating by sickness, on satisfactory evidence thereof being produced.

"3, Similar remissions will be made to any cultivator whose crop may fail after due inspection of the same by a Government officer.

"4, In the event of the death of a cultivator under this agreement his heirs will be entitled to all the advantages of the seven years' settlement, and to cultivate his lands on the terms of the agreement. If they allow the land to remain waste, it will become the property of Government during the remainder of the seven years.

¹¹ Selected Letters, pp. 168, 182, 191; Summary, Letters Issued, 1837-38 No. 142; Letters Received, 1841, Nos. 166, 316.

"5. Any cultivator who may wish to sell his land, or a part thereof, is at full liberty to do so provided the sale of such land be duly reported to the chief authorities, in failure whereof the seller will be held responsible for the full amount of duty. In case the whole or part of the land be sold the wholesale purchaser shall pay the full duty, but if part only the duty shall be divided among the parties.

"6. Any cultivator who shall fail to pay the amount of his assessment as per agreement shall forfeit his land to Government.

"7. Any person removing from one village to another shall, if he moves into a more productive land, enter into a new agreement, and pay according to the rate of the more productive village. If he removes into inferior land his first agreement shall continue in force.

"8. Any cultivator wishing to be released from his agreement it shall be cancelled on him paying one year's duty in advance.

"9. Any person shall be at liberty to enter into this agreement at any period, but in order to prevent strangers who may thus intrude themselves into a village from entrenching on lands which may be within the means of the old villagers, the portion of land which such strangers may be desirous of cultivating to be pointed out to the Thoogyee who will ascertain whether it be liable to claim on the part of his villagers and report the same when the person applies for a settlement paper.

"10. Emigrants from foreign countries who may within two years from their arrival engage in grain cultivation to be free of all duty for the first year, and to pay one half of the amount for which they may settle on the second year after which to pay as old cultivators after two years' residence, and within five years to pay one half in the first year after which they will be considered as old established residents. No such indulgence to be allowed to old established residents, unless, of course, good cause be shown for any.

"No increase of duty shall be demanded from any cultivator who shall extend his cultivation by means of his sons, steps-sons, or hired servants "

Not very perspicuous, some of these rules, and a singular economy of stops. Mr. Blundell seems to have been apprehensive that they might be difficult to understand, for he comments on them rule by rule. Not many of his explanations, however, make the rules much clearer, or add to our knowledge of the system. Still, it is of interest to notice that it had never been found necessary to enforce rule 6, under which a cultivator was liable to forfeit his land to Government for non-payment of the revenue. The comment on rule 8 also deserves reproduction. "Cultivators in this country," writes Mr. Blundell, "are not so much attached to the occupation, but that they frequently give it up to engage in some other which they deem more profitable. It was never intended to bind them to their lands, though, in order to check a wanton desertion of their lands it was provided that they should pay for a year in advance."

As we have noticed, this was the first attempt at individual settlement in Burma; but it was not successful. At the time of fixing the assessment the cultivators had just been encouraged by high prices

to extend their cultivation. Mr. Blundell was, therefore, able to fix the revenue at a figure considerably in excess of that previously paid. He did not fix the revenue in cash but in paddy, leaving the actual money payment to be settled annually. When, however, the price of paddy fell the cultivators abandoned part of their holdings and could no longer pay the amount of produce that they had agreed to pay on the larger holdings which they had occupied at the time of settlement. Another factor that contributed largely to reduce the area under cultivation was an epidemic of cattle disease which swept off 12,000 buffaloes. This disaster, combined with the fall of prices, compelled Mr. Blundell to offer all cultivators the option of throwing up the settlement and reverting to the earlier system of an annual assessment based on inspection of the crop.

Cumbersome as the system was, and uncertain as was the revenue it yielded, the Sudder Board seems to have accepted it as satisfactory, and suggested no changes beyond the introduction of periodical returns, not in the form which Mr. Blundell had found so completely unintelligible, but based on the returns submitted by the sister province of Arakan. A few years, however, showed that greater changes were required if Tenasserim was ever to achieve fiscal stability. So long as the provincial income depended mainly on the revenue from rice it was dependent on the price of paddy for the year, and this showed great and startling fluctuations. Although in 1838-39 the price was half as high again as in the previous year, it was lower than in 1835, and over the period from 1835 to 1839 the decline of prices led to a falling off in revenue.

The Government of India suggested, therefore, a fixed assessment in money based on the survey and registration of each individual's property. They seem to have forgotten the reports on the readiness of cultivators to abandon their land, and Mr. Blundell had to remind them that the survey, however rough, would be expensive, and that "there does not exist among the people that attachment to their lands and devotion to agricultural pursuits which would ensure the constant occupation of the lands, which are often taken up for a few years, and abandoned again for more lucrative pursuits." He agreed, however, that the owners of the large area of land permanently occupied might usefully be encouraged to apply for long terms settlement of about 30 years. It does not appear that this plan of making individual settlements was carried any further at the time, but it was revived twenty years later by Sir Arthur Phayre, and in the sixties and seventies many settlements on these lines were effected. Although such settlements had long been obsolete, they are still the only kind of settlement

recognised in the revenue law as it now stands. Mr. Blundell found it necessary, then, to warn the Sudder Board that a fixed money assessment might prove inapplicable, even to well established cultivation. He advocated the renewal of the seven years' settlement with the substitution of a fixed money assessment in lieu of one varying with the annual price of paddy. This recommendation seems to have been accepted, though apparently with some reluctance.

The Government of India did not favour the system of a village assessment, and wished to see the land assessed at an acre rate, Mr. Blundell recommended a rate of Rs. 3-8 per acre for land newly brought under cultivation; a rate which any modern settlement officer, even with paddy at five times the value it fetched in Mr. Blundell's time, would regard as prohibitive for the best new land. The Government of India, to their credit, remonstrated that the rate seemed too high by comparison with the 'rent' fixed in Bengal; however, the Commissioner persisted, and in the event the rate that he proposed was sanctioned. It was left for his successor, Major Broadfoot, to introduce the system of assessment at an acre rate, and he was long remembered throughout the Tenasserim Division as the *Eka Mingyi*, i. e., the Acre Commissioner.

CHAPTER XI.

MISCELLANEOUS REVENUE.

Neither the Burmese Government nor the British was dependent for the whole of its revenue on the rice land. Mr. Maingy found it difficult enough to solve the problems connected with the assessment of rice land, but these were as nothing to those arising in connection with miscellaneous revenue. He could obtain sufficient information to show that the Burmese system had been elaborate and complicated, but little more. The revenue arrangements, like the judicial system, were the product of gradual evolution, and not of rules logically conceived and applied. In fact, the system was far from being systematic. He ascertained that as a rule certain revenues had been levied nominally at certain rates and gives the following list of them:—¹

"From every Betelnut tree,	1 pice
Cocoanut tree,	4 "
100 baskets Paddy,	6 baskets
Sugar boiler,	2½ tickals

¹ Selected Letters, p. 12.

THE FASHIONING OF LEVIATHAN

From every Fishing stake,.....	7 $\frac{1}{2}$ tickals
Fishing-net,.....	2 $\frac{1}{2}$ "
Shrimp-catcher,.....	2 $\frac{1}{2}$ "
Dammer Torch-maker,.....	150 "
Dammer Collector,.....	10 viss, or
	25 cattles.

These, with a tribute or tax paid by the wild races of Kurrans and Chaloons or Orang Laut, formed, so far as he could learn, "the whole revenue derived from the soil and the industrious inhabitants during the last Miew-woon's government." But, "the amount of the tax on each article depended entirely on the will of the Miew-woon, and of course varied with a change of Governors." The total amount of the revenue he could never distinctly learn, and he found it difficult to believe that the balance, after paying the expenses of administration, was sent to Ava only once in three years. That, however, improbable as it may sound, appears to have been the fact. The rice and provisions needed for any troops quartered in the locality were arbitrarily levied on the people of the place. Or, if the Court required a certain number of boats, the people had to build them at half-price, and even this amount had to be raised among the people themselves.

As Mr. Maingy was unable to understand the Burmese system, he felt at liberty to devise new arrangements. Over-assessment, he writes, it was the "great object of his anxiety to avoid."² Over-assessment is a vague term which he did not feel it necessary to define. Everyone would agree that an assessment which prejudices industry is too high. It is a fact that Mr. Maingy's assessments were much higher than the nominal Burmese rates; it is probable that they brought in more money than all the assessments and exactions of the Burmese government. It is also a fact that the country as a whole remained undeveloped; time and again we read that, apart from Moulmein, the country was quiet and stationary. The people could afford to pay much more under the British Government than under the Burmese because the value of money fell so rapidly, and there is little reason to believe that if the assessments had been lighter progress would have been more rapid. But anyone in England required to pay a tax of one quarter of his gross income, without even any reduction for expenditure incurred in earning it, would feel that if the great object of Government were to avoid over-assessment, they had good reason to feel anxious.

2 Selected Letters, p. 74,

Next to rice, the chief single source of income was garden produce. Tenasserim has always been noted for its gardens, in many parts fruit trees are more important than field crops. For a year or two nothing but rice was assessed; chiefly in the hope of encouraging the inhabitants "to cultivate a more nutritious class of esculents," and also to induce them to resume the cultivation of many gardens that had been deserted. Then for the next few years the fruit trees were taxed on the same principle as rice land, and at 25 per cent. of the estimated produce. This was replaced by an assessment at fixed rates according to the following schedule³ :—

Cocoanut tree, bearing,.....	8 annas
Betelnut tree, bearing,.....	1 „
Plantain, bearing,.....	$\frac{3}{4}$ „
Jack tree, bearing,.....	3 & 2 annas
Doorians, bearing,	3 annas
Betel vines,.....	from Rs. 2 to 4 „
Chillies per 100,.....	4 „
Tobacco per 100,.....	4 „
Neepa trees, yielding toddy per 100,.....	1 rupee
Neepa trees, yielding roofing leaves,.....	2 annas
Sugar-cane per 100 clumps,	2 rupees

There were small variations of these in different localities; for example, doorians paid 8 annas in Mergui where they were exceptionally profitable. This system, however, was the cause of "considerable harassment and annoyance being experienced by the people, from the necessity of taking annual account of the above articles of cultivation and, as such a mode of assessment offered no encouragement to extended cultivation," it was decided to introduce a seven years' settlement of the revenue on the same principle as had been adopted for rice land wherever the people should prefer this system.

Not until the Sudder Board of Revenue in Bengal assumed control was there any further change of note. But when Mr. Blundell submitted to the Board an account of the revenue system of Tenasserim they considered it unduly complicated. Mr. Blundell reported that except for betelnuts, doorians and nipah palms the garden produce was small in quantity, and all locally consumed. He suggested that the other produce might be exempted from taxation, which would have the effect of increasing cultivation. It does not seem, however, that his suggestion was accepted.

3 Selected Letters, pp. 183, 192.

THE FASHIONING OF LEVIATHAN

Next in importance as a source of revenue, apart from the hire of convict labour, was the fishing industry.⁴ There were turtle banks, small sand banks appearing annually in the rivers to which turtles resorted to lay their eggs; these were auctioned annually. There were also "Nullahs and jeels" in which the right to catch fish by erecting traps, or fixed obstructions, was auctioned annually. In open waters the right to erect traps could be obtained by an annual license at the rate of fifteen rupees; or implements such as nets or lines could be used at rates varying from three to ten rupees. This system of taxing the fishing industry appears to have been taken over by Mr. Maingy from the Burmese, and is essentially the same as at the present day.

There were numerous minor heads of revenue, the bazaar tax, salt boiling, the manufacture of pots, tin mining, and forest produce such as ivory, cardamoms, beeswax, oil seeds, dammer, and sapan wood; the manufacture of edible chunam was also a Government monopoly. It was to these that the Sudder Board took particular exception when objecting to the complexity of the revenue arrangements. The bazaar tax, as we have seen, Mr. Blundell advocated strenuously. To most of the others he was indifferent. On ivory and other forest produce the people were expected to pay a duty of twenty per cent. These articles, he writes, "are the natural productions of the forests. They do not belong to any individuals in particular and are collected by those who choose to resort to the forests for them and who are supposed to give in an account of the quantity so collected, on which duty is levied, but as we have no means of checking such statements, most of the duty is of course avoided, and the amount collected is small." The tax was, in fact, tax on honesty, and it is not surprising that the proceeds were negligible. The Board had also objected to the duty on timber, also levied at 20 per cent. of its value, but this was more important as an article of export than the grain, and Mr. Blundell rightly urged its retention. The duty on tin, however, might be "remitted owing to the insignificance of the amount collected," and although Mr. Blundell still hoped that "ere many years elapse" it would form an article of importance in the produce of the country his hopes were to be disappointed, like those bright visions which had led Mr. Maingy immediately after his arrival in the country to invite a respectable Chinaman from Penang to come and make his fortune. Dammer torques consisted of leaves saturated in wood oil and tightly rolled and bound up together. The duty varied from fifteen rupees to six per person employed, according as the trees yielding the oil were numerous or scarce. The

4 Selected Letters, pp. 183, 193, 194.

potteries turned out common earthen pots, and the tax was levied at half a rupee a month from each person employed, "generally old women". Sapan wood had to pay 15 per cent. on its value (the tax had originally been fixed at 10 per cent). But the revenue was annually falling off owing to low prices and the exhaustion of the forests. Salt was obtained by the evaporation of sea-water in small earthen pots over a slow fire, and the revenue yielded about five rupees per man for the season. This tax the Board wished to abolish "on the ground of it being particularly liable to the objection of harassing the people, salt being a necessity of life and a condiment essentially conducive to health." Mr. Blundell was not convinced. He replied that the average price of salt was no more than 12 annas a maund, the amount realised by the tax was certainly small, but as it was easily collected and in no way oppressive or injurious he saw no reason why it should be abolished.

Greater interest attached to the tribute paid by the wild tribes of Karens and Salons, inhabiting respectively the hills and islands. Captain Briggs encountered numerous Karen settlements in his tour of reconnaissance from Tavoy to Mergui, and his remarks on this subject deserve reproduction:---⁵

"15: The Kurrans (Careeans) cannot be said to occupy any village as they are annually on the move and shift their habitations from place to place in the thickest parts of the jungle; they, however, return triennially to the same spot, unless it has been marked by some misfortune; but under any circumstances they never, I believe, remain two successive years on the same ground."

"16: The soil which they cultivate is enriched by the operation of clearing and by burning the timber jungles, etc, and then rice and other produce which they cultivate to an extent something beyond their own wants is remarkably fine. The surplus they barter with the nearest village for fish, etc."

"17: All the labour of the field is done manually, as they possess no cattle of any sort or kind, and this generally with no other implement than a sharpened stake. They do not divide their fields into terraces; depending on the ground being sufficiently saturated by the usual great fall of rain among the hills where they reside. The stumps of trees are left standing in the field."

"18: The Kurran, however, is not confined in his resources to his field; he finds bees' nests in the jungle and sells the wax and honey. With the latter sometimes he makes a kind of spirit, of which they are very fond. Elephants' teeth he is also able to procure, but these under the Burmese Government he generally found necessary to present to the Governor of the nearest town, under whose protection he considered himself. They also build large canoes in the forests and these apparently without any reference to the proximity of water; the after labour of opening a road through a thick forest, and laying rollers at every

5 Selected Letters, pp. 12, 18, 186.

THE FASHIONING OF LEVIATHAN

five or six feet, on which the canoe is dragged sometimes miles to the nearest torrent course, by the united labour of upwards a hundred men (100) and from thence floated down to the sea or mouth of some river, where it sells only for the value of a few rupees; exhibits at once a picture of the perseverance and poverty of this people."

"19: I never found more than two families residing on the same spot; and while they invariably dwell in the vicinity of some stream of fresh water, they studiously avoid being near a road."

"20: The Kurran is generally armed with a cross bow to protect themselves against the wild beasts with which the forests abound; from these they discharge short arrows; the points are steeped in the Uppas or other vegetable poison. Their dress is very novel and peculiar; a sort of cotton quilted work, so strong as to defy the thorns; it is manufactured by their women."

"21: From the stout athletic appearance of the Kurrans of these parts, a stranger might be led to conclude that the jungles here were not of the unhealthy nature those wildernesses are found generally to be in other parts of India whose inhabitants generally bear in their sickly and emaciated countenances, melancholy proof of the noxious atmosphere which they inhale. The Burmans of the Towns, nevertheless, seldom visit them at and after the close of the rains without suffering in their health."

"22: The difficulty I experienced daily in getting correct information as to the road I was about to march, surprised me much; and in general, I found their description so much at variance with the truth, as taught me to put very little faith in what I heard on those heads. It is scarcely possible to assign any reason for the exaggerated description of difficulties I had to encounter; unless it might proceed from a wish of preventing a continuation of our researches in the interior of their country; and this their general kind conduct and repeated expression of a hope, that my enquiries would civil prove a precursor of our taking possession of the country, induces me to believe, is not the case yet the Kurrans you would suppose from their own story, and your after experience do not know three miles beyond their huts"

Mr. Maingy, when submitting his first report on the newly occupied territory, remarked that "this singular race of people" had always from their wandering habits possessed considerable independence and privileges. Nominally they were required to pay a poll tax per house of family consisting of "2½ catties Bees-wax, 1 basket Cardamoms, 3 catties Sesamum oil, and 1 piece of Cloth, 10 yards. But their payments had resembled a tribute rather than a tax and differed considerably in all parts, being more or less according to the distance from and dependence on the seat of Government."

After this first report little more is heard of the Karens for many years. From a casual reference it seems that the more remote tribes had the privilege of paying tribute both to the Burmese and the British governments, but the next positive information was given when Mr. Blundell was called on to describe the revenue system of Tenasserim to the Government of Bengal. It then appeared that the poll tax in kind had been replaced by a poll tax in money.

This was the origin of the poll tax now paid all over Lower Burma, from which, under the Burmese Government, Burmans and Talaings had been exempt. The Karens, not unnaturally, had been averse from coming into the towns to pay their due of sessamum oil and bees-wax, and it was difficult to go round to their villages and collect taxes in this form. A money payment was therefore much more convenient; to Government if not to the Karens. This was first levied at the rate of Rs. 15 a year on each family; another indication that Mr. Maingy's zeal to fill the Treasury sometimes outweighed his anxiety to avoid over-assessment. A hundred years later, although money was much more plentiful, the corresponding tax was no more than Rs. 2. It is not surprising then the rate originally fixed was found excessive and it was reduced to Rs. 12 or even Rs. 8. The Karens mitigated the severity of these by distributing the total amount due among themselves and paid sums varying from Rs. 3 to Rs. 20 according to their estimated wealth. When Mr. Blundell submitted his report the Sudder Board showed itself more anxious to avoid over-assessment than the local officers. Possibly they did not feel so immediate a responsibility for making the country pay its way. They directed that the poll tax should forthwith be reduced by two fifths and recommended its abolition. In the interests of the people themselves, Mr. Blundell deprecated the latter course as it would "rather afford a premium to their wild and unsettled habits than encourage their settlement into regular villages when they would come under the operation of other taxes."

Even more than the Karens, the Chaloons excited Mr. Maingy's commiseration.⁶ This "singular and unfortunate race of people" lived among the islands as sea gipsies. Under the Burmese Government each settlement was required to pay a lump contribution of 75 catties of Bees-wax and 50 mats, and a further revenue was derived from them by selling to a contractor for Rs. 600 a month the monopoly of buying all the island produce that they brought in to Mergui. One singular feature of the Chaloons was that they were "a very idle race", and Mr. Maingy thought that with proper arrangements a much larger quantity of pearls and other island produce might be obtained. Moved, therefore, by his pity for the people, and his zeal for raising revenue, he took an early opportunity of making a tour among the islands. Just at that time the Chaloons were particularly unfortunate, for the epidemic of small pox that broke out in Mergui just after the occupation, spread to the islands and cut off more than half one tribe and

6. Selected Letters, pp. 12,55, 193.

THE FASHIONING OF LEVIATHAN

was nearly as disastrous to the others. In Mr. Maingy's report he describes them as "a most quiet, inoffensive race of people having no fixed place of abode and wandering from bay to bay in search of food." Another reason for their wandering was to seek refuge from the Malays, Burmese and Siamese by whom they were continually plundered. During the dry season they lived permanently in their boats, but during the monsoon they took shelter from the waves beneath a mat fixed on posts, about two feet from the ground, under which men, women and children lived together. This shelter was always close enough to the sea for them to fly to their boats if occasion should arise. They had oysters and turtles in abundance, like aldermen at a civic banquet; but their dinner never got beyond the turtle soup, for they had nothing else, unless a trader should come over from the main land with rice and arrack. Mr. Maingy found that these traders cheated them, so out of sympathy with the Salons he closed the islands to all traders. He hoped also that this would induce the Salons to bring their produce to Mergui. But the Salons had no great objection to being cheated. Perhaps 'the pleasure was as great in being cheated as to cheat.' On the other hand, they had strong objections to visiting Mergui, and would rather do without rice and arrack than go to all that trouble for them. Thus, Mr. Maingy's sympathy was wasted, and his plan for increasing the supplies of island produce failed. In fact, the only result of closing the island to traders was to throw them open to Malay pirates. When he found that no less than 48 boatloads of Malay marauders were plundering the islands he immediately withdrew the embargo on Burman traders. But Mr. Maingy persisted in his benevolent intentions. "If no other consideration than motives of humanity suggested the necessity of affording relief to the Chaloons, he would strongly urge that they should be protected from the increasing course of fraud and violence to which they were then subject." He, therefore, recommended that he should be allotted a steam-boat to protect them. This, he admitted, would be attended with difficulty and expense, but with adequate protection the Mergui Islands alone ought to yield a revenue of more than Rs. 20,000 if leased out to a farmer. Also, although he says nothing about it in this report, he experienced much inconvenience when travelling in a sailing-boat and badly wanted a steam-boat for his own use. The Government of India accepted his proposal for increasing the revenue of the islands by leasing the produce to a farmer, but did not see their way to institute a patrol.

After that, Mr. Maingy's interest in the Chaloons subsided. Probably without a steam-boat he could not find much time to visit them, and we

hear no more about their sufferings. In fact, we hear nothing more at all about them until we reach Mr. Blundell's report to the Sudder Board of Revenue. In this we learn that the tribute in kind had been replaced by a money tax on each family at the rate of Rs. 12. They could even less afford to pay this than the Karens, and it is consoling to read that the tax was seldom realised "owing to their excessive timidity." It appears also that Mr. Maingy's optimism had misled him as to the revenue likely to accrue from leasing the islands, as those which had expected to yield more than Rs. 20,000 were only yielding Rs. 2,000. The upshot of Mr. Blundell's report, as in the case of the Karens, was a reduction of the poll tax by two-fifths.

CHAPTER XII.

FOREIGN POLICY.

Mr. Maingy, in optimistic mood, had envisaged Mergui as a depot for Commercial Emporium." But optimism could not level the hills, nor change the trade routes across the high seas. Tenasserim lay in a back-water cut off by mountains from the fertile plains of China and Siam. Politically, the situation had one advantage. There might be little hope of commerce, but there was little fear of war. Tenasserim was secure in its poverty and isolation, and on every frontier but one, questions of foreign policy were of small importance. That was just as well, for the common frontier with Ava gave the rulers of Tenasserim sufficient trouble, and it was well for their peace of mind that they had no other difficult neighbours.

They did, in fact, inherit from their predecessors delicate relations with Siam.¹ It was then barely fifty years since the Burmans had reft the provinces of Mergui and Tavoy from Siam and the embers of resentment were still smouldering. The Siamese continued to make slave raids, which the Burmese Government had been quite unable to suppress. The first result of the British occupation was to encourage these raids. After the capture of Mergui by the British, the people, as a natural precaution, were disarmed. This measure prevented any effectual rising against their new masters, but it also left them defenceless against the Siamese. The outcome of this policy is depicted in a report by Captain Briggs, who had been deputed to make a reconnaissance survey of the interior. He begged leave to bring to notice the only

¹ Selected Letters, pp. 3, 19, 36, 38, 49, 86; Summary, Letters Issued, 1825-26, No. 73.

THE FASHIONING OF LEVIATHAN

misery under which the people now seem to groan. It is from the excursions of the Siamese! Scarce a single village from the mouth of the Tavoy River to Tenasserim that has not suffered from their depredations since their conquest by us: the village plundered and the inhabitants carried into captivity. "You have deprived us of our arms and our chokeys, and given us in their stead no sepoys to guard us from our inveterate enemies." Their situation forms one of the earliest topics of Mr. Maingy's first report. "It would be impossible," he writes, "to describe the distress and misery occasioned by the depredations of the Siamese since our conquest of Mergui; not a village a few miles distant from the stockade has escaped, and at least 1,600 of the inhabitants have been carried away. Every village in the interior is deserted and scarcely a trading boat is to be seen, but this can excite no surprise when it is considered that they have been deprived of their arms, and then left without protection, thus almost inviting the Siamese to repeat their incursions."

On the other hand, the Burmans had resisted where they could, and had also carried off captives. The troops also had given them support. Thus Mr. Maingy discovered Siamese prisoners in Mergui. He "visited these unfortunate men and found them in irons." Captain Briggs does not seem to have coloured his report too highly, for, writes Mr. Maingy, "the alarm which has prevailed and still prevails regarding the Siamese, prevents my having their irons struck off. This had been done once by Major Frith, but it occasioned so much apprehension that at night all the women left their houses, and many families removed without the stockade." It is comforting to learn that the irons were so light as scarcely to prove of any inconvenience. Hitherto the prisoners had only been allowed rice, but Mr. Maingy provided them with fish and salt, and allowed them to take exercise and baths. This was a first step towards effecting better relations with Siam by a mutual exchange of prisoners. Captain Burney, subsequently the British Resident at the Court of Ava, was sent as Envoy to Siam to obtain the release of the Burmans imprisoned there, and also with a view to the opening up of trade. At the Court he was astonishingly successful; over 1200 prisoners were traced, the King promised that those should be returned and within a few months 500 started on their way back. But the bulk of the captives were detained as slaves by a Siamese notable, the Pya of Chimpohun, who did not appreciate the generosity of the King in surrendering the property of his subjects, and who dwelt far enough from Court to maintain an independent attitude. Some Siamese prisoners of good standing were sent to report his conduct to the King, and they, very honourably returned, bringing the welcome

news that the Pya had been disgraced, and that the prisoners would be sent back when the rains were over. But a noble who is strong enough to disobey his sovereign is strong enough to disregard his censure, and the Pya, although disgraced, was not defeated. When Mr. Maingy sent him a list of 743 prisoners alleged to be held captive by the Pya, he replied that 243 had been returned, the others seem to have disappeared. So, for that matter, did most of the 243. The Pya dispatched them; in the face of a direct order from the Court he could do no less, but he could not guarantee their safe arrivals, and, almost all of them were held up on their journey and detained as slaves by various chiefs and head-men along the route, not, as we may surmise, without the tacit approval of the Pya. A further complication arose when some of the Siamese prisoners in British territory were reported to be anxious to remain. Mr. Maingy was anxious to do all he could to increase the population and we have already noticed the inducements which he held out to attract Indians, Chinese and Malays. But obviously he could not permit these Siamese prisoners to remain or it would certainly be alleged that the Burman prisoners wanted to stay in Siam, so the Siamese prisoners were packed across the frontier willy-nilly; but whether the missing Burmans were all recovered is not on record. At a later date there was a suggestion that an attempt should be made to obtain the repatriation of a large body of Talaings who had emigrated to Siam while the Burmans had been in possession of Mergui.² Mr. Blundell reported that almost all the principal natives of the Province had relatives among the emigrants, and were willing to defray by subscription the whole expenditure incurred on obtaining the restoration of their fellow countrymen. By this time, however, the relations with Ava had begun to assume a threatening aspect, and even the prospect of obtaining an influx of some thousands of new subjects could not tempt the Government of India to open up difficult questions with Siam. Similar considerations operated against another project of Mr. Blundell's to lay claim to certain areas containing tin along the rather ill defined boundary between Tenasserim and Siam. After a few preliminary questions had been settled there was little further occasion for intercourse with Siam; the trade was negligible and no danger was likely to arise along that frontier so long as there was nothing to foment it. The Siamese Government was not likely to ask for trouble, and the Indian Government had trouble enough with Ava to prevent it from extending its commitments further east.

The relations between Tenasserim and the hill tribes were almost entirely confined to trade missions aimed primarily at obtaining a free

2 Selected Letters, p. 189; Summary, Letters Issued, 1835-37, No. 42.

THE FASHIONING OF LEVIATHAN

import of oxen and buffaloes, and indirectly at opening up trade with China. But the Chinese failed to respond and after a few years further efforts were suspended owing to the outbreak of war between England and China. This led to instructions that Chinese merchants of Moulmein who were British subjects should register their ships as British property to avoid trouble under the recent orders "directing Her Majesty's ships to seize and detain all property belonging to subjects of the Emperor found on the high seas."³

Thus the relations of Tenasserim with the outside world in general were rare and unimportant. But the relations with the Court of Ava were close and continuous, of much interest and not infrequently entertaining. There was no difficulty in Mr. Maingy's time.⁴ He was as tactful in his relations with Ava as with his own subjects. For one thing, he remembered that Governments could afford to be courteous if they were known to be strong and remarked "that the occasional appearance of one of the large steamers at Rangoon, and on this coast tends materially to preserve a good understanding with the Court of Ava by keeping her and her subordinate officers at Rangoon and in this neighbourhood in recollection of our force and means, and also in promoting the tranquillity and prosperity of these Provinces". At one time there was an outbreak of robberies in Moulmein by bandits from across the frontier, but he was able to follow the criminals over to the Burmese side of the river without giving offence. There were also opportunities of friction about migrations from one side to the other. As we have seen, Mr. Maingy very sensibly refused to comply with the suggestion of the Officer commanding the troops, that he should insist on the return of Private Boodle and, by the exercise of tact, he was able to afford shelter to Burman refugees without allowing this to cause trouble. Probably, his chief asset lay in the periodical payments of the indemnity imposed on Ava at the conclusion of hostilities; it was not until the end of 1832 that the last instalment was brought to Moulmein in the Honble Company's Steam vessel, "Irrawaddi". Although these payments must have served as a reminder of the strength of British arms, they would not have been sufficient in themselves to preserve friendly relations. It is, therefore, greatly to the credit of Mr. Maingy that, when laying down the reins of office, he was able to report that the external relations of Tenasserim, both with Siam and Ava, were "as uninterrupted and satisfactory as possible", and with their immediate neighbours, the Burmese on the Salween, they were most friendly.

3 Summary, Letters Issued, 1835-41, No. 77.

4 Selected Letters, pp. 83, 108; Summary, Letters Issued, 1831-35, No. 99.

Mr. Blundell, his successor, was less fortunate, but one cannot help feeling that much of his ill-fortune was his own fault.⁵ His rule opened under favourable auspices. Captain Burney, the Envoy to Siam, had now been promoted to Lieutenant-Colonel and appointed Resident at the Court of Ava. His influence there had a wholesome effect on the Viceroy of Rangoon, and the authorities in Martaban, who became "most active in suppressing all disturbances, and most desirous to avoid giving any cause of offence." So far did they carry this amicable disposition that when asked to arrest a man suspected of dacoity in British territory they arrested two men who happened to bear the same name as the suspect. When there was some difficulty in arresting one of them, they cut his head off and sent that to answer for him. They could hardly have evinced a more complacent disposition. But Mr. Blundell, instead of taking their conduct in good part, complained of it to the Viceroy at Rangoon as he thought that the man's head had been cut off to prevent him giving information. Long solitude in tropical swamps and creeks seems to have soured his temper and given him an Oriental kink; on numerous occasions he showed himself immediately credulous of any story told him by his own men, and as obstinately incredulous of any statement made by an opponent. It was not long before he was representing to the British Agent at Rangoon that various reports and even sworn information culminating (as he was told) in remarks "of an unprecedented hostile tone" by the local Burman notable, had led to the impression that "under-hand hostilities were meditated"; he feared he might have to take action resulting in a breach of friendship between India and Ava. Within a month of this he asked the Agent to inform the Governor of Rangoon that forbearance had been carried to the furthest point, and that any more attacks by armed bands of authorised robbers would be considered as a declaration of war. He went so far as to threaten retaliation by occupying Burmese territory. Even if he had sufficient reason for regarding the dacoities as 'authorised' which seems very doubtful, and which it would certainly have been very difficult to prove, it was rather a tall bluff for a local Commissioner to threaten war without reference to the Government of India. Their sentiments on the episode are not on record. Probably, as on a later occasion, they "did not regard the outrage as bearing a political character or that needed to be made a matter of discussion between the two Governments." At any rate, Mr. Blundell, abstained from declaring war. He continued to correspond with the authorities

⁵ Selected Letters, pp. 123, 155-157, 258.

THE FASHIONING OF LEVIATHAN

across the frontier, and to receive replies that, in his opinion, were "neither civil nor respectful". But the Burman officials had their own grounds for complaint, and the Commissioner's faith in his subordinates must have received a nasty shock. For when he had "at length" induced the Burmese authorities to enquire into a case the officers sent over from Moulmein to identify the accused, failed to do so, although it subsequently transpired that the men arrested by the Burmese, were in fact, the men he wanted. This little mistake seems to have cooled down Mr. Blundell's readiness to find fault, and for a year or two there were no more complaints.

It must not be thought, however, that his complaints were wholly baseless.⁶ In 1837 there had been a palace revolution in Ava, and Prince Tharrawaddy had seized the throne. During the Revolution communications with Colonel Burney had been cut off and the Commissioner entertained fears for his safety. He dispatched an expedition which succeeded in reaching Ava, and found the Resident safe but seriously exercised about the advantage of remaining there. The new Government was avowedly hostile to the British, and, after fruitless effort to exercise his influence, Colonel Burney had decided to remove the Residency from Ava to Rangoon. This step the Government of India disapproved. The presence of a Resident, they held, could not foment and might delay or avert a rupture, an event which they contemplated with the greatest uneasiness; "the issue of another contest (to say nothing of the calamities of war) must in a financial point of view prove ruinously embarrassing." Colonel Burney was ordered to re-open the Residency, either in person or, if his health did not permit of that, in the charge of an assistant. Captain MacLeod proceeded to Ava and the crisis passed. All this time Mr. Blundell had been an advocate of war, and anxious to strike the first blow, but in face of these rebukes his martial ardour subsided.

Neither he nor the Resident in Ava was the next to sound the alarm, but the Government of India itself.⁷ The Court at Ava had appointed certain notoriously fire-eating princes to the southern commands marching with the British territory, and the Government of India suggested of its own motion that if these appointments should take effect, the Resident should "make it his study to effect the return of the Residency as safely and conveniently as possible," either on the plea of ill-health, or for any other reason unconnected with political grounds that would allow the re-opening of the Residency later if found

⁶ Selected Letters, p. 250.

⁷ Selected Letters, pp. 253, 259, 260; Summary, Letters Received, 1839-40, No. 955.

desirable. Shortly afterwards, some envoys from Ava were sent to India, and the King himself proceeded to Rangoon. Crisis succeeded crisis, but from beginning to end the policy of India was to secure British territory while avoiding any hostile collision. This involved active measures for defending it by force of arms, and the warlike preparations inflamed Mr. Blundell's easily kindled imagination. At a most critical stage he put forward a claim to certain islands in the Salween River. Some people from British territory had settled down there and started cultivation. When the Burmese head-man protested, Mr. Blundell, ready as ever to look at matters from the standpoint of his own subjects, supported their claims and did his best to give them recognition and a legal status by assessing them to land revenue. But the Burmese head-man would not recognise the payment of revenue to the English as constituting a valid title to land in Burma, and proceeded to evict the intruders. The Commissioner reported the matter to the Government of India, urging them to demand the punishment of the head-man, and to insist on a general settlement of disputes along the frontier. But a general settlement of disputes was the very thing that the Government of India was most anxious to postpone. At that moment, when relations with Ava were most critical, any demand for a general settlement of disputes meant war, and "to say nothing of the calamities of war", they had no money to spare for military operations in Burma. The Governor-General regretted to find that questions of this nature had been agitated at all, and "could not but regard as most injudicious the language held" by Mr. Blundell respecting the right to the islands. Such discussions were particularly calculated to create a new cause of difference between the Burmese and English Governments. Moreover, in the present case the islands "would appear *prima facie* to be without question a Burmese possession." The annoyance of the Government of India may partly be explained by the fact that at the same time as Mr. Blundell had reported the incident to them he had addressed the Governors of Biling and Rangoon, which the Viceroy seems to have regarded as an attempt to force his hand. One can hardly avoid a suspicion that there was some justification for this opinion. Nothing, however, could be done pending the answer to these references and meanwhile the Governor-General was forced to rely on Mr. Blundell's "prudence and circumspection for taking such steps as may be best calculated to allay the irritation which has been excited, and to abstain from all proceedings which may afford the Burmese a just pretext for retaliation, or for having recourse to aggressions which may either compel us to remonstrate or drive us to the still more inconvenient necessity of resorting to coercion measures for the protection of our rights and interests."

THE FASHIONING OF LEVIATHAN

But in relying on Mr. Blundell's prudence and circumspection they were leaning on a broken reed. The severe rebuke seems to have spurred him on to demonstrate the inevitability of war by conduct that would render it unavoidable. Doubtless he regarded himself as the man on the spot and grumbled in the Moulmein Club about the ignorance and folly of headquarters. He set himself to enlighten them. Unfortunately for Mr. Blundell, however, they steadily refused to be enlightened, and the more alarmist were his reports the less they were alarmed. Only a few months later, the Government of India, in acknowledging his reports about unsatisfactory relations with the Burmese, expressed a hope that they would "prove like many former reports", exaggerated. And still again, reports of the unfriendly disposition of the Burmese Governor which had been confirmed "by the statements of a person named Nga-pai-ta-loo...", although probably much exaggerated, would, if they had any foundation, require the exercise of more than ordinary vigilance." Not long afterwards there was an unfortunate incident for which Mr. Blundell was, at least, not directly responsible but which might have had a very serious outcome if the Burmese authorities across the frontier had shown as little circumspection as Mr. Blundell. Three British officers had crossed over to Burmese territory on a shooting expedition, and not unnaturally, in view of the tension that existed, had been detained by the local headman. But the Governor of Biling, immediately on the matter coming to his notice, directed their release without even waiting for official representations. Mr. Blundell does not seem to have exploded with the violence that might have been expected, doubtless because the Government of India had for some time been holding him on so tight a rein. It appeared that the officers had been stopped for not having passports, and that they had pushed forward after being stopped; clearly they had been asking for trouble, their conduct was "highly imprudent and censurable", and the Commissioner was to see that in future no British officers were allowed to cross the river on shooting parties.

All this excitement, except so much of it as was due to the forward policy of Mr. Blundell, had been caused by the accession of a king known to entertain unfriendly sentiments towards the English. The excitement was stimulated by a rumour that he intended to visit Rangoon accompanied by an army, and the tension reached its climax when he actually went there.⁸ On this occasion the Government of

⁸ Selected Letters, pp. 270 *seq.*

India seem to have been more nervous than Mr. Blundell, and several pages of the correspondence are filled with instructions to everyone concerned, to Mr. Blundell, to the Naval and Military officers commanding, and to the Commissioner of Arakan. Possibly, however, they gave such detailed instruction because they felt that Mr. Blundell's discretion might not be equal to the strain. It is not without significance that in one letter they gave Mr. Blundell authority to take offensive action "if a hostile intention on the part of the Burmese should be imminent and *unquestionable*"; the italics are suggestive. But the King came to Rangoon and went away again without any disturbance of the peace. Possibly the demonstration of strength by land and sea on all his borders convinced him that discretion was the better part of valour; or else he had never contemplated anything more than a pious pilgrimage to the Shwe Dagon, the most famous pagoda in his dominions. At any rate, he came and went; the crisis passed and the forces were disbanded.

There followed two uneventful years. The military demonstrations seem to have satisfied Mr. Blundell's martial spirit, or he appeased it by quarrelling with the merchants of Moulmein instead of threatening war upon his Burman neighbours. But he was an unfortunate man. Even his attempts to keep the traders in their place exposed him to fresh censure from the Government of India, and when he tried to make peace with the traders, he got into fresh trouble with Burma. Boundary disputes were always smouldering, and one dispute related to the right to drift timber in the Salween. In the previous dispute about the boundary along this river Mr. Blundell had endeavoured to lay claim to all the islands, but the Government of India had recognised the deep water channel as the boundary. Mr. Blundell now found that off the Burmese bank there was a rock to which a rope might be attached, leaving a free and uninterrupted deep-water passage to boats of any size between the rock and the Burmese bank. By fixing a rope to it, the timber merchants of Moulmein and Mr. Blundell expected to gather in most, if not all, of the drift timber. He believed that some Burmese officials had been sent "to enforce the prohibition of all attachment of a rope to the Burmese Bank." He therefore, sent Captain McLeod, then Principal Assistant Commissioner, with an armed boat from H. M. sloop "Siren", and a small force of native soldiers to fix the rope with instructions that the first act of violence perpetrated by the Burmese should be the occasion for the party to use their arms without scruple.⁹

That was his last exploit. The Government of India promptly expressed disapproval of his action, and within a few months he was

9 Selected Letters, p. 208.

sent back to Penang which he had left shortly after Mr. Maingy almost twenty years before. He was replaced by an officer from India, and from this time onwards Tenasserim may be regarded as absorbed within the Indian administrative machine.

CHAPTER XIII.

MR. BLUNDELL, PROPHET AND MARTYR.

It is difficult not to commiserate Mr. Blundell; he meant so well, and he began so well. Mr. Maingy, who knew him intimately, for they both had come from Penang and worked together from the occupation of Tenasserim, had the highest opinion of him. Let us recall his repeated commendations. We first hear of Mr. Blundell when the Southern Provinces of Tavoy and Mergui were placed under his superintendence and direction in 1827. At that time his official designation was First Assistant to the Commissioner. He was the only civilian assistant, the others being military officers on deputation. In this appointment Mr. Maingy "found every reason to be much pleased with his conduct"; to great zeal and application he had succeeded in adding the important qualification of a thorough knowledge of the Burmese language. For his services here he was specially promoted to be Deputy Commissioner, a rank that had not previously been recognised in Tenasserim. In recommending him for this promotion Mr. Maingy remarked that "he knew no one more capable of fulfilling the duties of this important office." When at length Mr. Maingy took his pension, it consoled him to reflect "that he would leave in the Deputy Commissioner, Mr. Blundell, a gentleman of such superior qualifications, possessing not only an excellent knowledge as the Burmese language and character, but great local experience and an intimate acquaintance with all his plans and views."

Nisi imperasset! Within seven years Mr. Blundell had managed to embroil himself with the merchants of Moulmein, the Government of Burma, and, most deeply and most unfortunately, with Governments of Bengal and India, the very headquarters of Leviathan. He seems, even, to have been very near getting into trouble with his own subjects as, during his last year of office, for all his knowledge of the country, the intrigues of a *Mintha*, or pretender to the throne, were attracting large crowds of people in Moulmein, his own headquarters, without disturbing or being disturbed by the Commissioner. Most of Mr. Blundell's troubles were his own fault. He governed with too loose a rein. The *Mintha* should not have had so long a rope. The officers,

who very nearly caused a war by shooting snipe in territory that, save in name, was hostile, would not have ventured into Burma if the Commissioner had known his job and done it. Again, he was, it must be admitted, an arbitrary agent. His attempt to deport Mr. Gahan, his attitude towards the merchants, his threats of war on Ava, and his endeavours to force the hands of the Government of India were all foreign to the suave tact of his predecessor. And he was much too fond of saying to the Government of India, "I told you so." Too many of his words and actions illustrated the deplorable effect of tropical surroundings on an egotistical temperament.

For all that, he was unfortunate, and deserves commiseration. He had much to try him. Mr. Maingy had been very successful in the early days, but even his tact might have proved unequal to the strain on Mr. Blundell. In this book we have seen Leviathan encroaching on local autonomy from every side. But he was venturing on unknown ground, uncertainly and clumsily. A parable will serve further to illustrate the manner of his advance. Although in 1830 the Government of India, at the instance of the Honourable Court of Directors, had animadverted on the great length of many of the General Letters which tended materially to retard correspondence. They wished it "understood throughout the service that the letters which contain the most useful information and pertinent suggestions or instructions within the shortest compass, were the most valuable and would be held by the Supreme Authorities in the highest estimation." One expedient to prevent discursive writing was a direction that a marginal abstract should be made of every paragraph in every letter. As these abstracts often ran to several lines, and might be little shorter than the paragraph which they purported to condense, the instruction had no great effect in economising papers; letters in fact, grew longer, and with the increasing supervision over detail that became customary when Tenasserim was made subordinate to the Government of Bengal, they became much more frequent. Mr. Blundell was constrained to represent that "the Judicial and Revenue Department having been placed under the control of the Presidency Court of Sudder Dewanny and Nizamut Adawlut and Board of Revenue, an increase of clerks' work was devolved upon these departments, and that generally a very considerable increase had taken place in the requisite correspondence with the Presidency." He wanted more clerks and more stationery. You might have thought that there would be no difficulty in supplying stationery; it is the kind of thing which lends itself to regulations. But more than once the supply of stationery gave out, and on one occasion "business"—note that; business, which increasingly meant writing and reporting instead of ordering and doing—business fell into arrears for

THE FASHIONING OF LEVIATHAN

lack of paper. On the eve of Mr. Blundell's departure the Government of India was still exhorting him to pay "constant and vigilant attention to check the extravagant expenditure of paper." Mr. Blundell had to bear the blame, but it was not his fault if the supply of stationery ran out. Leviathan was being tied up in red tape, and it was getting into knots. Although the machinery of centralisation had Tenasserim in its grip, it was working very crudely, and the Government of India could not arrange so simple a matter as this supply of paper. They could not even arrange satisfactorily for a matter at once so simple and so important as the provision of funds for the salaries of Government servants. On two occasions Mr. Blundell had to warn them that the balance in the Treasury was insufficient. Once, writing in February, he had to ask urgently for money to pay the salaries for April. With such moderate success in simple matters that lend themselves to regulation, Leviathan was undertaking the much more difficult task of elaborating mechanical regulations for the judicial system, the jails, the police, the public works and forests.

On the other hand, while Leviathan was endeavouring with such moderate success to build up a framework of regulations, he was breaking down, involuntarily but effectually, all those aspects of life which could not be fitted into it. The monasteries were deserted; the people were losing their reverence for the monastic order; the national system of education had broken down; so early did these perennial complaints find utterance. Worst of all, the substitution of paid officials for the hereditary district headmen, and the influx of aliens were sapping the foundations of society, the normal ties of common life in towns, villages and families. Mr. Blundell could see all this; or, rather, feel it, for he saw nothing very clearly. But he felt it strongly, and he did not like it.

Mr. Blundell, then, had a case. He knew that he preferred the happy-go-lucky system, or lack of system, in the early days, when Tenasserim had been autonomous. He could not argue with Leviathan. The Government of India could see, very much more clearly than himself, all those things that fell within their range of vision, but he dimly apprehended many things that the Government of India could not see at all. Although there were no Thannahs and Darogahs and Burkundausers, the social organisation, where it was still effective, was sufficiently effective to prevent crime and enabled him to detect the few crimes that were committed and to catch the criminals. Without "the application of peculiar forms adapted to a higher and more refined state of society", he contrived to punish offenders promptly and inexpensively. It was difficult to resist the demand of the judges for periodical returns; common sense required that there

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should be some supervision over the working of the courts. But such returns laid bare the vagaries of jurors. The Commissioner, like the judges, could see the disadvantages of the jury system; but the Commissioner could see and the judges could not see, its benefits. The Government of India might worry over a few escapes from jail, but the prison system was of Mr. Blundell's own devising, "it emanated from his orders and was under his immediate eye." Naturally he had a weakness for it.

This was not wholly egotism. He liked things as they were or, rather, things that he had got used to. So far as this was egotism it was in some degree a sublimated egotism. He saw himself as the centre of things, but he also saw himself, as a king might see himself, part of the system of things around him. He had eaten the rice of the country for so many years, and with the rice had assimilated the local point of view. He had mixed with the people and had come to think with them; felt, indeed, that it was his duty to think for people even less articulate than himself. He was an egotist, that must be admitted, and in his controversies with the Government of India, that was his weakness. But, just because he was an egotist, he was more than that; he was a conservative and a nationalist. That was his case. And that, also, was his weakness.

For Leviathan had not come to Burma to keep things as they were. He had come intending to make changes, such changes as should develop the natural resources of the country. Normally, society is organised for life; the object of Leviathan was to organise it for production. His aim was to turn cities into factories, and villages into workshops. There is nothing conservative or rationalist about Leviathan. He believes in common sense. Conservatism, prescription, is never common sense, and the common sense of nationalists is bounded by the limits of their common nation. The authorities in India might have sympathised with Mr. Blundell's attitude if it had been possible for them to comprehend it. But the arguments of conservatism and nationalism cannot easily be cut up into paragraphs for an administration report nor clothed in the vocabulary of an official paper. "The letters which contain the most useful information and pertinent suggestions or instructions within the shortest compass are the most valuable and are held by the Supreme Authorities in the highest estimation." If Mr. Blundell could only have met the Supreme Authorities, have got into personal touch with them, they might have understood and sympathised. In a few interviews in Calcutta Mr. Maingy obtained concessions ten times larger than he had asked and failed to get with years of letter-writing. If Mr. Blundell had found an opportunity for a

THE FASHIONING OF LEVIATHAN

short talk about Tenasserim with the authorities in India, they might have studied problems there as human beings, but dealing with them through the medium of correspondence they approached the problems as servants of Leviathan. They were impervious to any argument not immediately demonstrable to common sense. Mr. Blundell, then, as conservative and nationalist, was contending not only with Leviathan, the huge machinery of law and common sense, but with his High Priests, the authorities in the Government of India.

In this controversy he could not reckon on being supported from below. In a Talaing country lately under a Burmese Government, his nationalism might appeal to the Talaings and his conservatism to the Burmans. But an increasing number of his subjects were neither Burman nor Talaing. There were Scotch, English and Parsi merchants, European and Indian troops, Indian and Chinese traders, Indian and Chinese coolies; "a motley assemblage from all parts of Asia." These had all come to Tenasserim to make their fortunes, or at least to earn a living; that was the highest common factor of their aspirations. In the bulk, they were typical subjects of Leviathan. The Englishman might be a true blue Tory, the staunchest supporter of State and Church at home, but in Tenasserim Church and State meant nothing to him, except as possible customers. The merchants wanted cheap labour, preferably convict labour, or at least that a maximum price should be fixed for labour. The coolies wanted women from Madras, and no one cared very much if the women were prostitutes and slaves. Leviathan created a demand for cheap labour and for cheap women, and, looking on his work, pronounced it very good. Everyone, in fact, pronounced it very good. It was in accordance with those Political maxims, which Mr. Maingy had delighted to quote in his early days and which, significantly, before long he ceased to quote.

Nor could Mr. Blundell reckon on whole-hearted support even from his Talaing and Burman subjects. The desire for gain that Mr. Maingy found so lamentably lacking on his first arrival was very soon awakened, and many would have been willing to place opulence before defence. In fact, Mr. Blundell was not even certain of himself. Probably he prided himself on common sense. Rationally, he could join wholeheartedly in furthering the progress of Leviathan. Only certain features of it gave him twinges of uneasiness, and there is little to show that he traced any connection between these features and their cause.

But he did see with resentment that the progress of Leviathan was prejudicial to the autonomy of the Commissioner. He resented also the growing power of the mercantile community and the encroachments of the Government of India. These things made him angry, and his anger made him less able than ever to see clearly and act prudently. He managed to put in one or two shrewd blows. He was more than

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usually acute in his remarks on the difficulty of placing subordinate officers in responsible positions. If servants be entrusted with authority, their power must be restricted within the limits of their capacity; if clerks be turned into magistrates, magistrates must be treated as clerks. That was the gist of his argument, and it was sound. He was shrewd also in pointing out the inevitable limitations of Talaings as soldiers. The administration of the Indian army had grown up with Leviathan, but Tenasserim had been taken over after Leviathan had grown up. He must either do without local troops, or take special measures and exercise special patience in training them. Mr. Blundell saw this. But it was not often that he could see so clearly the meshes of the net surrounding him, and he struggled vainly in the toils.

He failed. Failure would probably have been the lot of a very much abler man than Mr. Blundell in the same position and with the same training. The long controversy ended when Mr. Blundell was replaced by Major Broadfoot, an officer from India, and after nearly twenty years in Burma was sent back to Penang. He went to Penang, nominally, as Governor, which sounds a higher appointment than Commissioner, but the pay apparently was lower. Mr. Blundell could not leave Tenasserim without one more quarrel, although on this occasion he was less in the wrong than usual. He wanted the steam-launch to take him to Penang. Major Broadfoot could only spare the schooner. This was at the beginning of the monsoon when the voyage to Penang in a sailing vessel is dangerous if not impossible. Mr. Blundell insisted and threatened to report Major Broadfoot to India. He got his way and left Moulmein in the steam-launch. That is the end of him in these records. But he also left Major Broadfoot, and Major Broadfoot, now in possession of the field, could represent matters to the Government of India from his own standpoint. The appointment of Mr. Blundell to Penang was, it seems, revoked, and he went home to England on retirement.

His failure was almost inevitable. The wisest man could only have opposed to the arguments of common sense one argument transcending common sense, that there are certain decencies of life on which Leviathan shall not encroach. That is an argument which Leviathan, so far as he is, in Hobbes' phrase, an "Artificial Man," fashioned by Art according to the rules of common sense, is slow to comprehend. What he cannot comprehend he instinctively regards as dangerous and puts forth all his strength to crush. It took much less than his full strength to crush Mr. Blundell. Leviathan broke him and marched on magnificently, mechanically. But, after all, Mr. Blundell was stronger than Leviathan, for he represented an idea. He failed, and

THE FASHIONING OF LEVIATHAN

for many personal defects deserved to fall, but in falling, he was a martyr for the decencies of life.

Mr. Blundell was more than a martyr. For, ultimately, Leviathan had to learn that enduring empires are not built on common sense. When Leviathan endeavours to organise society for production he forgets that man cannot live by bread alone. But in this he is fighting against human nature and in the long run, for all his tale of martyrs, Leviathan himself must fail unless he can adapt himself to human nature. Fashioned by Art, he must be born again by grace beyond the reach of art. That is the truth which Mr. Blundell dimly apprehended and he takes rank, therefore, not only as martyr, but as prophet.

